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HEARING
BEFORE THE
PERMANENT SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS
FIRST SESSION
PURSUANT TO
S. Res. 40

PART 4

DECEMBER 14, 1953

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ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

MONDAY, DECEMBER 14, 1953

UNITED STATES SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF
THE COMMITTEE ON GOVERNMENT OPERATIONS,
New York, N. Y.

The subcommittee met (pursuant to S. Res. 40, agreed to January 30, 1953) at 10:30 a. m. in room 619, United States Courthouse, Foley Square, Senator Joseph R. McCarthy (chairman of the subcommittee) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Roy M. Cohn, chief counsel; Francis P. Carr, executive director; and Daniel G. Buckley, assistant counsel.

The CHAIRMAN. The committee will come to order.

The first witness?

Mr. COHN. Mr. Albert Socol.

The CHAIRMAN. Mr. Socol? Will you raise your right hand and be sworn. In this matter now in hearing before the committee do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SOCOL. I do.

TESTIMONY OF ALBERT SOCOL, ACCOMPANIED BY HIS COUNSEL,
SAMUEL A. NEUBURGER, NEW YORK, N. Y.

Mr. NEUBERGER. Mr. Chairman, my client would prefer not to have the lights, television cameras and so forth.

The CHAIRMAN. Would you turn the lights off the witness. You gentlemen are informed that during the testimony there will be no flash pictures taken.

Mr. COHN. May we have your full name, please?

Mr. SOCOL. Albert Socol.

Mr. COHN. Would you talk up a little.

Mr. SOCOL. Albert Socol.

Mr. COHN. Where do you reside?

Mr. SOCOL. Long Branch, N. J.

Mr. COHN. What address?

Mr. SOCOL. 419 West End Avenue.

Mr. COHN. 419—

Mr. SOCOL. 419 West End Avenue.

Mr. COHN. Mr. Socol, were you for a considerable period of time employed at the Evans Signal Laboratory at Fort Monmouth?

Mr. SOCOL. Yes, I was.

Mr. COHN. And while you were employed at the Evans Signal Laboratory at Fort Monmouth, were you a member of the Communist Party?

Mr. SOCOL. I refuse to answer on the grounds of the fifth amendment.

The CHAIRMAN. Will you speak louder? I cannot hear you.

Mr. SOCOL. I refuse to answer on the grounds of the fifth amendment.

Mr. COHN. While you were working at the Evans Signal Laboratory at Fort Monmouth, were you engaged in espionage against the United States?

Mr. SOCOL. I refuse to answer on the grounds of the fifth amendment.

Mr. COHN. Did you know Aaron Coleman at the Evans Signal Laboratory?

Mr. SOCOL. I refuse to answer on the grounds of the fifth amendment.

The CHAIRMAN. When you say on the grounds of the fifth amendment, do you mean that your answer, in your opinion, would tend to incriminate you?

Mr. SOCOL. Yes.

Mr. COHN. While working for the Signal Corps, did you know Julius Rosenberg?

Mr. SOCOL. I refuse to answer on the grounds of the fifth amendment.

Mr. COHN. Did you engage in espionage activities with Julius Rosenberg?

Mr. SOCOL. I refuse to answer on the grounds previously given.

Mr. COHN. Since you left the Evans Signal Laboratory, particularly in the last 2 years, have you been in communication with members of the Communist Party, working at Evans Signal Laboratory?

Mr. SOCOL. I refuse to answer on the grounds of the fifth amendment.

The CHAIRMAN. I cannot hear you, sir.

Mr. SOCOL. I refuse to answer on the grounds of the fifth amendment.

Mr. COHN. Have you been in communication with members of the Communist Party working in Evans Signal Laboratory within the last 6 months?

Mr. SOCOL. I refuse to answer on the grounds previously stated.

The CHAIRMAN. I will have to insist that you state the grounds each time so that we know.

Mr. SOCOL. I refuse to answer on the grounds of the fifth amendment.

The CHAIRMAN. Are you referring to the fifth amendment of our Constitution?

Mr. SOCOL. Yes, sir.

The CHAIRMAN. Have you been part of a conspiracy designed to destroy that Constitution upon which you are relying today?

Mr. SOCOL. I refuse to answer on the grounds of the fifth amendment.

The CHAIRMAN. You refuse to answer whether or not you were a part of a conspiracy that is designed to destroy the Constitution on the grounds that if you were to answer that would tend to incriminate you? Is that correct?

(The witness conferred with his counsel.)

Mr. SOCOL. I refuse to answer on the grounds that it might incriminate me due to the things going on in this country today.

The CHAIRMAN. Do you prefer the Communist system to ours?

Mr. SOCOL. I refuse to answer on the grounds of the fifth amendment.

The CHAIRMAN. You realize, of course, that if you were over in Russia and you were accused of being a conspirator for the United States you would not have the privilege of the fifth amendment? Do you realize that?

(The witness conferred with his counsel.)

Mr. SOCOL. I stand on the same position as previously outlined.

The CHAIRMAN. Now, in this Communist conspiracy to destroy the Constitution, do you feel perhaps they should save the fifth amendment and just destroy the rest of the Constitution?

Mr. SOCOL. I refuse to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Are you engaged in espionage as of today?

Mr. SOCOL. I refuse to answer on the grounds of the fifth amendment.

The CHAIRMAN. Have you been in contact with Communists at the secret radar laboratories since you left Fort Monmouth?

Mr. SOCOL. I refuse to answer on the grounds previously stated.

The CHAIRMAN. Do you feel that that answer would tend to incriminate you?

(The witness conferred with his counsel.)

Mr. SOCOL. Yes.

The CHAIRMAN. Have you had Communist meetings at your home?

Mr. SOCOL. I refuse to answer on the grounds it might—under the grounds of the fifth amendment.

The CHAIRMAN. As a matter of fact, you had Communist meetings at your home as late as 6 months ago, attended by some of the employees who have been suspended from Fort Monmouth; isn't that correct?

Mr. SOCOL. I refuse to answer on the grounds of the fifth amendment.

The CHAIRMAN. Do you tell us now that you honestly feel that if you were to answer that question the answer would tend to incriminate you?

Mr. SOCOL. I do.

The CHAIRMAN. You are entitled to refuse.

Mr. COHN. I have nothing further.

The CHAIRMAN. There is one further question: When did you start to work at Fort Monmouth?

(The witness conferred with his counsel.)

Mr. SOCOL. Sometime in 1942.

The CHAIRMAN. And you continued working until when?

Mr. SOCOL. Sometime in 1947.

The CHAIRMAN. What were the circumstances of your leaving? Were you suspended or did you quit of your own volition?

(The witness conferred with his counsel.)

Mr. SOCOL. I refuse to answer on the grounds of the fifth amendment.

The CHAIRMAN. I do not believe you are entitled to refuse to answer the question. It is a matter of record. I am just asking you about the record. Does the record show that you were suspended or that you resigned?

(The witness conferred with his counsel.)

Mr. SOCOL. I feel a discussion on this point would tend to incriminate me in view of the discussions now being had.

The CHAIRMAN. Have you been in telephonic communication with a Mr. Hyman? Harry Hyman?

(The witness conferred with his counsel.)

Mr. SOCOL. I refuse to answer on the grounds of the fifth amendment.

The CHAIRMAN. Has Hyman asked you to get in touch with anyone you knew at Fort Monmouth?

(The witness conferred with his counsel.)

Mr. SOCOL. On the grounds as previously stated, I refuse to answer on the grounds of the fifth amendment.

The CHAIRMAN. Just so we need not indulge in repetition, to save time, each time you refuse to answer, am I right in assuming that you are refusing to answer on the grounds that a truthful answer would tend to incriminate you? Is that correct?

Mr. SOCOL. I am refusing to answer on the grounds that a truthful answer might incriminate me.

The CHAIRMAN. Then you are entitled to refuse. As a matter of fact, you do know a Harry Hyman, he is an underground agent for the Communists, you know he has been in touch with people at Fort Monmouth almost to this very day. You have been asked by him to contact your friends down there, have you not?

Mr. SOCOL. I refuse to answer on the grounds of the fifth amendment.

The CHAIRMAN. You understand, of course, when I ask you whether or not you know that Harry Hyman is an underground agent for the Communists, whether or not you have been in contact with people at Fort Monmouth in his behalf, in behalf of his espionage ring, if you had not been contacting them you would not incriminate yourself by saying no. It is only in case you have been engaging in espionage activities with Hyman, contacting people at the secret radar laboratories that you could possibly be incriminated. You, of course, understand that, so that when you make that answer, "I refuse to answer on the grounds of self-incrimination," you are telling the country, in effect, that you are a traitor, that you are indulging at this time in treason against your country; that you are an espionage agent. You understand that.

One of the reasons we have you here today is not because we expect to get any cooperation from any Communist espionage agents, but the evidence against you is so damaging, the evidence that you indulged in espionage, we feel you should have a chance to stand up, if it is not true, and say "No, those people who say I am a spy are not telling the truth. Those people who say I am a Communist are lying."

You have a chance to do that, you see. And if they are lying, it is to your interest to say they are. Of course, I may say the evidence against you is so overwhelming, I can understand why you do refuse.

Keeping this in mind, let me ask you a question: As of today are you a member in good standing of the Communist conspiracy?

(The witness conferred with his counsel.)

Mr. SOCOL. As I understand it, the fifth amendment is for the innocent as well as the guilty, and I don't think it is my purpose here to get into debate with this committee, and I refuse to answer on the grounds of the fifth amendment.

The CHAIRMAN. Well, just in case you misunderstand the purpose of the fifth amendment, maybe we ought to go back into some of these questions again, then. The fifth amendment in effect, provides that no one need send himself to jail. It has its inception away back in the English law. It provides, the original fifth amendment, I believe, if we go back that far, was a provision under the old English law that a criminal, if he could get into the church and take hold of the rail, he could not be taken. That was perhaps the inception of the fifth amendment. Out of that grew our fifth amendment today. It provides that a criminal need not convict himself. And an innocent man does not need the fifth amendment. You understand that. If you are not a Communist, you would not incriminate yourself by saying no. If you are not a traitor, if you are not a spy for the Communists, you could not incriminate yourself by saying no. I ask you the simple question: Are you as of this moment a member of the Communist conspiracy?

(The witness conferred with his counsel.)

Mr. SOCOL. I do not wish to get into any debate with this committee, and I feel that any question that I may answer of that type may forge a link in the chain in which this committee is involved, and therefore I refuse to answer on the grounds of the fifth amendment.

The CHAIRMAN. I think you are right. It could forge a link in the chain of evidence against you. You are entitled to use it.

Mr. COHN. No more questions.

The CHAIRMAN. Will you consider yourself under continuing subpoena. If and when we need you, we will call counsel.

Mr. COHN. Mr. Savitt.

Mr. BOUDIN. Could we have the television off and no pictures taken?

The CHAIRMAN. Yes. The photographers are instructed that the witness does not want his picture taken, and it will not be taken. Just a minute, gentlemen. The committee rule is that if a witness does not want his picture taken, it will not be taken.

Will you stand and raise your right hand?

Mr. BOUDIN. We have an understanding with Mr. Buckley, if you don't mind.

The CHAIRMAN. Certainly. You would rather have that before you are sworn.

I must insist to the photographers not to take any more pictures of the witness.

Will you raise your right hand. In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SAVITT. I do.

TESTIMONY OF MORRIS SAVITT, ACCOMPANIED BY HIS COUNSEL, LEONARD B. BOUDIN, NEW YORK

Mr. COHN. May we have your full name, please?

Mr. SAVITT. Morris Savitt.

Mr. COHN. S-a-v-i-t-t?

Mr. SAVITT. Yes, sir.

Mr. COHN. Where do you reside, Mr. Savitt?

Mr. SAVITT. 8515 66th Avenue, Queens.

Mr. COHN. Mr. Savitt, have you ever worked for the United States Government?

Mr. SAVITT. Yes, sir.

Mr. COHN. When was that?

Mr. SAVITT. I worked for the Corps of Engineers from December 1939 to March 1941. I worked in the Brooklyn Navy Yard from March 1941 to July 1945, and then again from, I guess it was June 1946 to April 1947.

Mr. COHN. And that marks the end of your service with the Government, is that right?

Mr. SAVITT. Yes.

Mr. COHN. And are you now an electrical engineer?

Mr. SAVITT. Yes, I am.

Mr. COHN. Mr. Savitt, have you been employed by various firms as an electrical engineer since you left the Navy Yard?

Mr. SAVITT. You mean you want to know where I worked since I left the Navy Yard?

Mr. COHN. Yes.

Mr. SAVITT. I worked for the New York State Department of Public Works from April 1947 until some time this year, June of this year, and then I worked in New York City from August until now, with a private outfit.

Mr. COHN. I see. For what outfit?

Mr. SAVITT. For Slocum and Fuller.

Mr. COHN. Mr. Savitt, did you attend City College?

(The witness conferred with his counsel.)

Mr. SAVITT. Yes.

Mr. COHN. During what years?

Mr. SAVITT. 1935 to 1939.

Mr. COHN. We have had sworn testimony before the committee that during your attendance at City College you, Julius Rosenberg, Morton Sobell, Henry Shoiket, Aaron Coleman and Nathan Sussman were members of a cell of the Young Communist League. Is that testimony true?

Mr. SAVITT. I refuse to answer on the grounds of the fifth amendment.

Mr. COHN. I will ask you affirmatively. Were you a member of such a cell with those people while you were at City College?

Mr. SAVITT. I refuse to answer on the same grounds.

Mr. COHN. Were you a Communist while working for the Army engineers and for the Navy, the navy yard?

(The witness conferred with his counsel.)

Mr. SAVITT. I refuse to answer on the same grounds.

Mr. COHN. Are you a Communist today?

Mr. SAVITT. I refuse to answer on the same grounds.

The CHAIRMAN. By the same grounds, you are of course referring to the self-incrimination provision of the fifth amendment, right?

Mr. SAVITT. Yes.

The CHAIRMAN. Mr. Savitt, you could be of some help here this morning, if you wanted to be. I may say we have no evidence against you of espionage. We do have the rather detailed evidence that you attended Communist meetings with Aaron Coleman, that you know him, that you know about his activities. Is there anything you would

care to tell us this morning about what you know about Coleman, his Communist activities, his alleged espionage activities?

(The witness conferred with his counsel.)

Mr. SAVITT. I have no knowledge of any espionage, and as far as the rest of the question, I stand on the fifth amendment to refuse to answer.

The CHAIRMAN. I just wonder why you do not want to help your country a bit. You seem to be a normal young man. There is no reason why you should not help your country try to dig out espionage. If you knew Coleman was a Communist, if you knew that he was associated with Rosenberg, it won't incriminate you to tell us about it.

(The witness conferred with his counsel.)

Mr. SAVITT. I stand on my previous answer, sir.

The CHAIRMAN. If you are not willing to give the committee the information, would you be willing to give the FBI the information that you have?

(The witness conferred with his counsel.)

Mr. SAVITT. I stand on my previous answer.

The CHAIRMAN. Would you go in and give a grand jury the information?

Mr. SAVITT. I stand on my previous answer.

The CHAIRMAN. Well, if you think it would incriminate you, you are entitled to refuse. You were born in this country, were you not?

Mr. SAVITT. Yes.

The CHAIRMAN. I may say we asked that question because the Immigration Department has asked us to ask that question of all witnesses.

You may step down. You may consider yourself under a continuing subpoena. If we want you again—may we have the witness' attention?

Mr. BOUDIN. May I have the lights taken off? May we have the pictures turned off?

The CHAIRMAN. Yes. You are instructed that you are under continuing subpoena. If we want you we will contact your lawyer. Is that agreeable to counsel?

Mr. BOUDIN. May I ask you, Senator, as you know, I am concerned about the continuing subpoena matter. Will this be a continuing subpoena in connection with the same investigation that you are now engaged in?

The CHAIRMAN. With the investigation of communism and espionage.

Mr. BOUDIN. And for that reason, you want us to hold ourselves in readiness. Well, we have your instruction, of course. I want to consider whether or not such a subpoena is valid, and whether a witness is subject to your continuing jurisdiction. Although we have heard your instruction, we are, of course, reserving our rights to take any legal action that may be necessary.

The CHAIRMAN. Mr. Boudin, may I say that this is largely as a courtesy to the attorneys of these various witnesses. We can just serve a subpoena on the witness any time and make him appear wherever we want him to. What we have been trying to do is to accommodate counsel. For that reason, Mr. Cohn and Mr. Carr have been phoning counsel. We try to shift the witnesses around so as not to

interfere with your court work. For that reason I wish you would do this, and you need not give me any answer now, but I wish you would contact Mr. Cohn or Mr. Carr in the next day or two and let us know whether or not that agreement is acceptable. Otherwise, I can much more easily just hand a subpoena to the marshal, have him serve it, and have your man come at a specified time and place.

Mr. BOUDIN. I will discuss the matter with Mr. Cohn.

Senator, I will need about 15 minutes to talk to Mr. Mins.

Mr. COHN. Mr. Chairman, Mr. Boudin requires a little bit more time for consultation with his next client before he takes the stand and has asked for a 15-minute recess to allow him to do that.

The CHAIRMAN. I see no objection to that. Will 15 minutes be enough, Mr. Boudin?

Mr. BOUDIN. If not, I will come in at 12 and let you know I need a few more minutes.

Mr. COHN. You mean for 12 minutes?

The CHAIRMAN. We will adjourn until 11:30. That will give you about 17 minutes.

(Brief recess.)

The CHAIRMAN. The committee will come to order.

Your first witness, Mr. Cohn?

Mr. COHN. Mr. Mins.

The CHAIRMAN. Mr. Mins?

Mr. BOUDIN. May we have the lights turned away, please?

The CHAIRMAN. Will you turn the light off the witness?

Mr. BOUDIN. And that is off counsel for the witness. There is no objection to them taking pictures of the committee.

The CHAIRMAN. Will you turn the lights off the witness?

Will the cameramen hold it? Did you say you didn't want flash pictures either?

Mr. BOUDIN. That is right.

The CHAIRMAN. There will be no pictures of the witness.

Mr. BOUDIN. It can be a matter of record, Mr. Chairman, that I never want pictures taken of my clients, whoever they may be, so that during the time when we are discussing it, pictures should not be taken.

The CHAIRMAN. Mr. Mins, would you stand and raise your right hand?

Mr. MINS. Could I have some water?

The CHAIRMAN. Will you raise your right hand?

Mr. MINS. Before I do, I have a motion relating to jurisdiction to make.

The CHAIRMAN. Raise your right hand. In this matter now in hearing before this committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MINS. I do.

TESTIMONY OF LEONARD E. MINS, ACCOMPANIED BY HIS COUNSEL, LEONARD B. BOUDIN, NEW YORK

Mr. MINS. Senator, I have a motion concerning the jurisdiction to this committee.

Mr. COHN. You may be seated.

Mr. MINS. I would like to ask for some water.

The CHAIRMAN. You may have some water.

Mr. MINS. Thank you. I have asked already without getting any, but apparently you have to ask several times to get it.

The CHAIRMAN. Mr. Cohn, will you proceed?

Mr. BOUDIN. I think the witness wants to make a statement with respect to the jurisdiction of the committee.

The CHAIRMAN. He may make it.

Mr. MINS. I move to vacate as follows:

Please take notice that Leonard E. Mins, herewith moves to vacate the subpoena previously served upon him upon the following grounds:

1. The subcommittee is not engaged in a legislative investigation for a bona fide legislative purpose. In subpoenaing the movant it is not exercising a legislative power to which it is constitutionally limited under article I, section 1, of the Constitution of the United States. It does not seek any information which can be of assistance to it in any investigation of the executive branch or in the passage of legislation. The movant is a private citizen of the United States, who holds no office of public honor or trust and is not employed in any governmental department, nor is he under salary or grant from any governmental department.

2. The subcommittee has no power or jurisdiction to inquire into the movant's (a) political beliefs; (b) personal and private affairs; (c) religious beliefs; or (d) associations or associational activities.

As stated in the *United States v. Rumley* (97 L. Ed. 494), a case involving refusal to give testimony—

The CHAIRMAN. Just a minute.

Mr. MINS. A case involving—

The CHAIRMAN. You may proceed now.

Mr. MINS (continuing). Before a committee of the House of Representatives, the Supreme Court of the United States said, in a concurring opinion by Mr. Justice Douglas:

The power of investigation is also limited. Inquiry into personal and private affairs is precluded.

The Supreme Court of the United States has said in *Jones v. Securities and Exchange Commission* (298 U. S. 1), through Mr. Justice Sutherland:

The citizen when interrogated about his private affairs has a right before answering to know why the inquiry is made; and if the purpose disclosed is not a legitimate one, he is not required to answer.

3. The jurisdiction of this committee is further limited by the statutes which constitute and set forth its function and sphere of authority. Under the rules of the United States Senate and the statutes organizing the appointment of this standing committee, this committee has no authority to examine into the personal and private affairs of private citizens. It is certainly not an appropriate legislative action for this committee to pillory a citizen of this country or to destroy his economic livelihood. The committee's action is of the general character of a bill of attainder, which is expressly prohibited under article I, section 9, of the Constitution of the United States which reads, "No bill of attainder or ex post facto law shall be passed"

4. The committee is not a competent tribunal. The committee has on various occasions suggested that it is inquiring into "subversive activities" presumably of a criminal nature. This is borne out by the questions asked of the movant in execution session of this subcommittee on October 23, 1953. So far as is known, no testimony in the extensive hearings conducted by the committee on the same subject in 1953 has developed any evidence whatsoever of the commission of crime by anyone. Certainly, no specific charges, much less evidence, have been leveled at the movant.

In any event, the power to inquire into alleged crime is exclusively that of the courts and the grand juries that are an arm of the courts. In seeking to assume that power the committee is violating our tripartite system of government, based on the separation of powers of the executive, legislative, and judicial branches. It is disregarding the mandate of article I, section 3, of the Constitution of the United States, which provides that "the judicial power shall be fixed in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish."

5. Under the Legislative Reorganization Act of 1946 and the Standing Rules of the Senate this committee's jurisdiction is limited to matters relating to the efficiency and economy of government. This does not include the subject of "subversive activities" which has expressly been allocated to another Senate committee by Senate resolution.

I should like to add here that I have already testified before that Senate committee. The transcript is no doubt available to the Senator.

The CHAIRMAN. May I ask how many pages?

Mr. MINS. This is the end, sir, just one sentence:

For the foregoing reasons, it is respectfully moved that the subpoena previously served upon the movant be vacated and that he be excused from further appearance before this committee.

The CHAIRMAN. Motion denied.

Proceed, Mr. Counsel.

Mr. COHN. Mr. Mins—

Mr. MINS. May I ask another question, Senator?

The CHAIRMAN. Just a minute. For the record, in view of the fact that the witness cited the case of *U. S. v. Rumley*, to bolster his contention that a committee such as this has no authority to investigate unless it has to do with legislative, I will now quote from that case. The court quoted with approval President Woodrow Wilson, page 43. I will now read that quote:

It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the Government, the country must be helpless to learn how it is being served, and unless Congress both scrutinizes these things and sifts them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct. The informing function of Congress should be preferred even to its legislative function.

I quote that from the case in view of the fact that you have—

Mr. MINS. May I have another quote from that same case?

The CHAIRMAN. You may.

Mr. MINS. Thank you. May I have the book? I don't think I need it, I can do it from memory. You can have the book, but the point I want to make, Senator, is that you did not quote extensively and you did not quote this passage I cite. Furthermore, the Court in citing—the Court in citing Wilson, cited him not with approval, cited him to modify his position, subsequently, and then went on to criticize the excessive activities of congressional committees.

The CHAIRMAN. Well, now, if you care to I will not take the time to have you read this into the record. We will make the entire opinion of the Court, from pages 41 to 58, inclusive, a part of the record.

(The material referred to above was marked "Exhibit No. 5" and may be found in the appendix on p. 173.)

Mr. MINS. Very well.

May I, in the telegram of the committee Mr. Cohn sent, ask what is the "subject matter" under consideration by this committee, concerning which I am commanded to testify?

The CHAIRMAN. I think you are entitled to know the purpose of the investigation, not that you do not know it. You have been before this committee before. You have been fully informed. You have been asked questions.

Mr. MINS. For the record, sir——

The CHAIRMAN. We are investigating at this time espionage, subversion. Communist infiltration in the radar establishments and any other branch of the Government. We have had information that you, as of today, are a paid employee—I should not say as of today, but as of 2 weeks ago, a paid employee of the Communist military intelligence. We have the information that you have been engaged in espionage, that you are a Communist.

You were called before and given a chance to deny the allegations made against you. You are being called again today. You will be given the chance to deny all of the extremely damaging evidence that has been presented against you.

Now, you said that this committee——

Mr. MINS. Will you use the word allegation instead of evidence?

The CHAIRMAN. No; I will use the word evidence. You are not going to interrupt while I am asking you a question.

Mr. MINS. I see.

The CHAIRMAN. I have been very patient with you before and we will try to be patient with you now.

Mr. MINS. Thank you.

The CHAIRMAN. But you said this committee has not uncovered the commission of any crime. Do you consider espionage against the United States a crime?

Mr. MINS. Espionage against the United States? Most certainly it is a crime.

The CHAIRMAN. Have you ever been engaged in espionage?

Mr. MINS. Senator, in the premises, any substance applied to this question is beyond the lawful province of this committee. Point 1. The reason for that is the past practices of congressional committees, and the doctrine of *Nemini delatorum fides abrogata* which, for the benefit of the press, is the word of no informer was disbelieved, A. D. 138, Suetonius. Not 1953, perhaps not.

The CHAIRMAN. Now we will be getting back to 1953.

The question is have you been engaged in espionage?

Mr. MINS. My answer for that question, Senator, is a citation from the fifth amendment: "No person shall be compelled to be a witness against himself."

The CHAIRMAN. You are entitled to refuse if that would constitute being a witness against yourself. Proceed, Mr. Cohn.

Mr. COHN. Mr. Mins, did you ever work for a firm known as the Walker Doran Teague firm?

Mr. MINS. I did.

Mr. COHN. And about when was that?

Mr. MINS. That was about the fall of 1943 to the spring or summer of 1946.

Mr. COHN. To the spring or summer of 1946?

Mr. MINS. That is correct.

Mr. COHN. At the time you were working for that firm, did they have subcontracts from the Government through the General Electric Co.?

Mr. MINS. They did; to the best of my knowledge, they did.

Mr. COHN. And did you work on some of those contracts?

Mr. MINS. I worked on one of them completely and another in part.

Mr. COHN. Was one of the projects on which you worked the preparation of a pamphlet intended for use by the armed services, containing information on fire control, gun control, and radar?

Mr. MINS. I worked on a pamphlet, OP 1060, on the gun direction of the 5-inch 38, dual-purpose gun, for the BuOrd of the United States Navy.

Mr. COHN. In preparing that pamphlet, did you have access to classified information concerning radar and other things which are used in connection with the subject matter of the pamphlet?

Mr. MINS. I had access to mostly to restricted information. I wish to point out that this was a restricted pamphlet, not a confidential, secret, or top secret publication, and I had access on one or two occasions to some confidential material dealing with a radar antenna but not with the interior of the radar set.

Mr. COHN. At the time you had access to this material were you a member of the Communist Party?

Mr. MINS. I answer you as follows: That no person shall be compelled to be a witness against himself.

Mr. COHN. Were you at that time on the payroll of the Soviet military intelligence?

Mr. MINS. I answer you as follows: Every house is undermined by the insinuation of informers, and the country suffers from its laws as it has suffered from its vices. That is Tacitus.

The CHAIRMAN. You will be ordered to answer.

Mr. MINS. My answer is no person shall be compelled to be a witness against himself.

The CHAIRMAN. On that ground you may refuse.

Mr. MINS. I am sorry, I didn't hear you.

The CHAIRMAN. On that ground you may refuse.

Mr. COHN. Did you transmit the information which came into your possession while you were working on this manual, to Soviet military intelligence?

Mr. MINS. My answer to that question is as follows: None could trust each other, not relatives and not friends, the very walls were suspect. That is not a reference to wiretapping. That is A. D. 130,

Tacitus. My answer is no person can be compelled to be a witness against himself.

The CHAIRMAN. On that ground you may refuse.

Mr. MINS. Thank you.

The CHAIRMAN. I may say, and it is not directed against this witness alone, but I think this witness, and a number of the other fifth amendment cases who have appeared here, have pointed up the absolute necessity of adopting the law suggested by Attorney General Brownell, which will make it legal to use wiretap evidence in cases of espionage and sabotage. There is no reason why a traitor to this country, a man in the pay of the Communists, a man such as this who refuses to state whether he is on the payroll of Russian military intelligence should be protected by this present ruling in regard to wiretapping. I think it is up to the Senate and to the House to, at the very earliest opportunity, pass the law suggested by Attorney General Brownell. If that is done, we will have less people like you, Mr. Mins, who are dedicated to the destruction of our Constitution, coming before committees and taking advantage of that Constitution to protect themselves.

If they were doing that, it would be all right, but to protect a conspiracy against the Nation is a different matter. The fifth amendment was not adopted to protect a conspiracy. It was to keep a criminal from sending himself to jail. If you are merely using it for that, it would be legitimate use of the amendment. However, you and others who have appeared before this committee are abusing the fifth amendment, using it to protect the Communist conspiracy. And as I say, perhaps if we adopt the Attorney General's suggestion we may be able to remove a number of spies and saboteurs from circulation.

Mr. MINS. Is that a question, Senator?

The CHAIRMAN. No, that is merely a statement.

Mr. MINS. With your respectful permission, may I ask you whether the statements you made are allegations or evidence? At the beginning of this testimony you told me that you are citing evidence. I have heard nothing but allegations. You may allege that I have beaten my wife, that I murdered my grandmother, I am a Soviet spy and a spy for the Japanese Mikado. But you are not citing evidence and I do not believe it is within the province of a committee of the United States Senate to make any unsupported statements to the committee, for transmission to the press, and blowing it up into headlines.

Mr. COHN. May we get into some evidence?

The CHAIRMAN. Yes. In the meantime, may I say that the best evidence that you are a Communist spy is the fact that you tell us that if you were to tell the truth, as to whether or not you were, it would incriminate you.

Mr. MINS. I do not, sir. I do not construe the fifth amendment, I merely cite it. Furthermore, the entire history of the fifth amendment has nothing to do with the guilt of the witnesses. The Supreme Court has cited that it is a shield for the innocent as well.

The CHAIRMAN. We won't take any time discussing the Constitution with you at this time.

Mr. Cohn, will you proceed?

Mr. COHN. Have you taught and advocated the overthrow of the Government of the United States by force and violence?

Mr. MINS. My answer to that, sir, is that no person shall be compelled to be a witness against himself.

Mr. COHN. Have you been a teacher at national training schools of the Communist Party and at the Workers School of the Communist Party in New York over a period of years?

Mr. MINS. My answer, sir, is that no person shall be compelled to be a witness against himself.

Mr. COHN. I would like to have you listen to this, Mr. Mins, and tell me whether or not you recognize these words:

Comrade Stalin's analysis in discussing the revolutionary situation throughout the world is a timely admonition to the Communist Parties, a revolutionary crisis is maturing and will continue to mature, but the victory of the revolution never comes by itself. It has to be prepared for and won, and only a strong, proletarian revolutionary party can prepare for and win victory.

Do you recognize those words?

Mr. MINS. I answer as follows: That no person shall be compelled to be a witness against himself.

Mr. COHN. May we receive in evidence, Mr. Chairman, this article by Mr. Mins from the Daily Worker from which I was reading?

The CHAIRMAN. Yes. I think that is a good idea, especially so in view of the fact that Mr. Mins has been requesting evidence. We will accept in evidence—

Mr. MINS. What is the date of that?

The CHAIRMAN. An article by him, from which counsel has just quoted.

Mr. COHN. I would like to point out we have a number of articles here. This first one is May 4, 1934, a good many years before Mr. Mins was given security clearance and permitted to work on this classified material. It was a matter of complete public record, available to anybody in the public files, because it is printed right in the Daily Worker under Mr. Mins' own name. That is from May 4, 1934, the New York Daily Worker.

Mr. BOUDIN. Could I have a chance to look at the evidence?

Mr. COHN. Of course.

I suggest we receive the entire article.

The CHAIRMAN. The entire article will be received in evidence.

(The document referred to was marked "Exhibit No. 6" and will be found in the appendix on p. 180.)

Mr. BOUDIN. Excuse me a second, Mr. Cohn. I just want to look at it for a moment.

The CHAIRMAN. Surely.

Mr. BOUDIN. Would you indicate for the record this is a book review?

Mr. COHN. Surely. I think we ought to have the entire thing in the record, Mr. Chairman. It is a book review or really a magazine review of the work of the Communist International, a particular issue of the Communist International, reviewed by Mr. Mins. It was in the course of that review that he made the comments which I have read. As I say, I would like the entire article to be received in evidence.

The CHAIRMAN. It has been received.

Mr. COHN. Mr. Mins, I will next ask you: Have you been a teacher at the Workers School of the Communist Party for the last 25 years?

Mr. MINS. No person shall be compelled to be a witness against himself.

Mr. COHN. Were you actually teaching courses at the Workers School while you had access to this classified information?

Mr. MINS. Same answer.

Mr. COHN. Did you specifically in the year 1937 teach courses at the Workers School of the Communist Party? Did you teach a course entitled "History of the International Labor Movement" given by you in a curriculum along with a course entitled "The Labor and Socialist Movement," which was taught by Louis Budenz?

Mr. MINS. No person shall be compelled to be a witness against himself.

The CHAIRMAN. Mr. Cohn, I think this points up the absolute necessity of getting before this committee the individuals who gave this man clearance to handle classified material. At the time he received this clearance he was a teacher at the Communist school. He has been for 25 years. He remained a teacher at the Communist school during the entire time. He had access to Government secrets. I hope we can prevail upon the administration to relax the old Truman regulations to the point where we can get the names of the people who cleared him. I would say they are as bad as this man is. Any one who clears a man who is publicly advertised as a teacher at the Communist school, gives him access to Government secrets, is about as bad as a Communist himself.

Mr. MINS. Mr. Cohn, may I offer in connection with my work on classified material the following evidence:

Navy Department, Bureau of Ordnance, December 10, 1945, subject Naval Ordnance Development Award, enclosure A, certificate for exceptional service to Naval Ordnance Development.

Mr. MINS, it is a great pleasure of the Chief of the Bureau of Ordnance to confer upon you the Naval Ordnance Development Award which has been granted in recognition of your exceptional service to the research and development of naval ordnance.

The congratulations of the Bureau of Ordnance are extended to you for your outstanding performance in connection with the editorial work on Ordnance Pamphlet 1060.

The Certificate for Exceptional Service to Naval Ordnance Development and the lapel emblem are the symbol of appreciation from the Bureau of Ordnance and from the entire Navy for your untiring efforts and keen technical and editorial ability which you have consistently displayed.

Very truly yours,

G. F. HUSSEY, Jr.,

Rear Admiral United States Navy, Chief of the Bureau of Ordnance.

The CHAIRMAN. At the time you received this letter were you a Communist espionage agent?

Mr. MINS. I have one more——

The CHAIRMAN. Just a minute.

Mr. MINS. I will answer you. No person shall be compelled to be a witness against himself. I ask that this first item be accepted in evidence.

The CHAIRMAN. It will be accepted.

(The letter referred to above was marked "Exhibit No. 7.")

Mr. MINS. I have still another one.

The CHAIRMAN. Just a minute. I have a few more questions. At the time you received this letter, were you being publicly advertised as a teacher at a Communist school?

Mr. MINS. I answer as before, that no person shall be compelled to be a witness against himself. I should like to see evidence of that, if you have it.

Mr. BOUDIN. May I give you, the reporter has a copy of that——

Mr. COHN. That is all right.

The CHAIRMAN. May I see the original first?

Mr. BOUDIN. Yes.

Mr. MINS. United States——

The CHAIRMAN. Do you know that the man who gave this to you knew whether or not you were a Communist spy at that time?

Mr. MINS. Senator, I really don't inquire into other people's minds, in what they know. I assume he was a patriotic citizen giving another citizen a certificate for patriotic service. I can't make any assumption about anybody. I leave that to others.

The CHAIRMAN. As far as you know——

Mr. MINS. He was an admiral of the United States Navy in charge of the Bureau of Ordnance. My other exhibit, Mr. Cohn, is as follows——

The CHAIRMAN. Just a second. Is it your testimony you do not know whether he knew that you were a Communist and an espionage agent at the time he wrote this?

Mr. MINS. That I do not know—whether I was a Communist? That is rather a difficult question to answer.

The CHAIRMAN. Do you know whether he knew?

Mr. MINS. Whether I was or was not?

The CHAIRMAN. Just a minute. When Mr. Hussey wrote this letter to you, do you know whether or not, at that time, he knew you were then on the payroll of the Soviet Military Intelligence and were a Communist spy?

Mr. MINS. My answer for that, Senator, first of all, is that as a Commander in the Navy he would know that an admiral was not referred to as mister. Secondly, that I am in no position to know what an admiral of the United States Navy knows about me or about anybody else. I, thirdly, want to point out that that is as loaded a question as anybody could be asked. I have no way of knowing what you know, I have no way of knowing what you think, and I certainly don't know what Admiral Hussey knew or thought. I judge a man by his behavior.

The CHAIRMAN. At that time were you on the payroll of the Soviet Military Intelligence?

Mr. MINS. I have answered the question?

The CHAIRMAN. Please answer it again.

Mr. MINS. I shall cite the following clause, that no person shall be compelled to be a witness against himself.

The CHAIRMAN. You had another letter?

Mr. MINS. Yes. This is not a letter. This is an engraved sheet, United States Navy, Bureau of Ordnance, seal, Naval Ordnance Development award, certificate to Leonard E. Mins in appreciation of exceptional service to Naval Ordnance Development, December 10, 1945, G. W. Hussey, Jr., Rear Admiral, United States Navy, Chief of the Bureau of Ordnance.

Mr. COHN. I recommend it be received.

(The certificate mentioned above was marked "Exhibit No. 8.")

Mr. MINS. A copy is there.

Mr. BOUDIN. Could we have the original back?

The CHAIRMAN. Yes.

Mr. BOUDIN. There may be another committee hearing and we may want it to use then.

The CHAIRMAN. Mr. Boudin, will you arrange to have a photostat made at the committee's expense?

Mr. BOUDIN. Of course.

The CHAIRMAN. At the time you received this certificate, were you an espionage agent?

Mr. MINS. Senator, I believe that has been covered in previous testimony today. But if you want me to, I shall repeat my answer. No person shall be compelled to be a witness against himself.

Mr. COHN. Mr. Chairman, I might state there are a number of other articles, I think, primarily from the Daily Worker and New Masses, by or concerning Mr. Mins, and I would suggest that they be submitted to Mr. Boudin, who can look them over, and after that admit them into the record.

The CHAIRMAN. They all have to do with Mr. Mins' Communist activities?

Mr. COHN. That is correct. They are either by Mr. Mins or about Mr. Mins. They are either from the Daily Worker or the New Masses.

(The articles referred to above were received in evidence as "Exhibit No. 9 a, b, c, and d" and will be found in the appendix on pp. 181-186.)

The CHAIRMAN. Mr. Mins, you are asking for evidence about your Communist activities. I wonder if you have any objection to this evidence being introduced into the record?

Mr. MINS. I believe you are misquoting me, Senator. I asked for evidence about what you spoke of at the beginning, Communist conspiracy, subversive activities and espionage. I am awaiting that.

Mr. COHN. Talking about Communist conspiracy, we read you a quotation from an article citing with approval a revolution.

Mr. MINS. On the assumption, Mr. Cohn, which I do not subscribe to, that that is an article by me. I recall my previous testimony to you. But on the assumption that it were, notice the subjunctive, that is still a publication which is not covert, it is a public statement by somebody in a newspaper. How that can be called a conspiracy, I don't know. Conspiracy involves certain elements of secrecy, covert activity, of things hidden from the public. That is a book review. I don't see how you can call it anything—you can call it anything you want. You can say to me that you have evidence that I have beaten my wife or murdered my mother-in-law.

The CHAIRMAN. If you wrote an article saying you were beating her—

Mr. MINS. Even that would be subject to proof. I don't believe an article saying I was beating my wife would be a proof of mayhem.

The CHAIRMAN. Where you yourself make the claim—

Mr. MINS. What claim did I make, Senator?

The CHAIRMAN. You said if somebody accused you of beating your wife, that would not be a matter of proof. But if you yourself said you were beating her, and wrote an article to that effect, would that be sufficient proof?

Mr. MINS. Will you repeat that to me, sir?

(The reporter read from his notes as requested.)

Mr. MINS. That is a matter for a court of law to decide, Senator, of course, whether a statement made in the public press is probative of evidence, whether I actually wrote the article alleged to be by me, whether somebody put my name on it, whether, for example, you say that Louis Budenz was editor of the Daily Worker at the time, whether that is another one of the falsifications of Louis Budenz. I am not entering that at the present time. I am merely relying on my constitutional privilege of not entering it by citing the fifth amendment.

The CHAIRMAN. Do you deny you wrote this article? If you did not write it, you can deny it.

Mr. MINS. John Hillburn 300 years ago taught me to repeat that no person shall be a witness against himself.

The CHAIRMAN. When you say Comrade Stalin's analysis, when you are referring to Comrade Stalin, what do you mean?

Mr. MINS. Senator, I have not admitted that I said Comrade Stalin, so I don't think you are able to put those words in my mouth.

The CHAIRMAN. If you did not say it, say you did not.

Mr. MINS. I don't have to, Senator, I can merely say that no person shall be compelled to be a witness against himself, which protects me against entrapment. I do not want to be a second Owen Lattimore, who didn't do that.

The CHAIRMAN. You do not aspire to be a second Owen Lattimore?

Mr. MINS. Precisely.

The CHAIRMAN. I can understand why you would not.

Mr. MINS. Exactly.

The CHAIRMAN (reading from exhibit No. 6):

Comrade Stalin's analysis in discussing the revolutionary situation throughout the world is a timely admonition to the Communist Parties.

I am quoting Mins.

A revolutionary crisis is maturing and will continue to mature, with the victory of the revolution never coming by itself. It has to be prepared for and won. And only a strong proletarian revolution, revolutionary party, can prepare for and win victory.

Let me ask you this: At the time you got clearance to handle classified Government work, were you asked about this article, which has been introduced as exhibit No. 6?

Mr. MINS. My answer to that, Senator, will have to be that no person shall be compelled to be a witness against himself.

The CHAIRMAN. I may say, Mr. Boudin, normally the witness would not be entitled to the fifth amendment privilege in regard to that, because it may be a matter of record. However, if he lied at that time, it would be incriminating now to go into the matter, so he will be entitled to the fifth amendment privilege.

Mr. BOUDIN. Well, obviously we are not accepting the construction which you are giving to the amendment, Senator. I can't stop you from stating what you think the effect of the amendment is, but we have a different view.

Mr. MINS. Which we believe, Senator, is supported by the Supreme Court.

The CHAIRMAN. Did you work for OSS?

Mr. MINS. I shall consult with counsel, with your permission, Senator.

(The witness conferred with his counsel.)

Mr. MINS. Yes; I did.

The CHAIRMAN. At that time were you on the payroll of the Soviet Military Intelligence?

Mr. MINS. My answer, Senator, is no person shall be compelled to be a witness against himself.

The CHAIRMAN. Are you a close friend of Harry Hyman?
(The witness consulted with his counsel.)

Mr. MINS. I never saw him in my life.

The CHAIRMAN. Pardon me?

Mr. MINS. I never saw him in my life, as far as I know. May I add for the record, Senator?

The CHAIRMAN. You may step down.

Mr. MINS. Thank you, sir.

The CHAIRMAN. The witness will consider himself under continuing subpoena. We will call you if we want you.

Did you hear that, Mr. Mins?

Mr. MINS. Yes; I heard that, Senator. I seem to be living in that category forever.

Mr. COHN. We have still an additional witness, Mr. Chairman.
Sylvia Berke?

Mr. RABINOWITZ. Before the witness comes up, may we have an instruction that pictures are not to be taken?

The CHAIRMAN. Pictures will not be taken, then, within the room. We have no control over the corridors, but no pictures will be taken in the room and the lights will not be turned upon the witness.

In this matter now in hearing before this committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss BERKE. I do.

TESTIMONY OF MISS SYLVIA BERKE, ACCOMPANIED BY HER ATTORNEY, VICTOR RABINOWITZ

Mr. COHN. May we have your name, please?

Miss BERKE. Sylvia Berke.

Mr. COHN. And where do you reside?

Miss BERKE. 1545 Leland Avenue, the Bronx.

Mr. COHN. And what is your occupation?

Miss BERKE. I am a school clerk.

Mr. COHN. Pardon me?

Miss BERKE. I am a school clerk.

Mr. COHN. A school clerk. Are you employed by the New York Board of Education?

Miss BERKE. Yes; I am.

Mr. COHN. Where do you work?

Miss BERKE. Public School 50, in the Bronx.

Mr. COHN. Have you ever worked at Fort Monmouth, in the Signal Corps?

Miss BERKE. Yes; I have.

Mr. COHN. When?

Miss BERKE. From about December 1942 to September 1943, I believe.

Mr. COHN. And while you were working at Fort Monmouth were you working at the laboratories out there?

Miss BERKE. Yes; I was.

Mr. COHN. While you were working there, were you a member of the Communist Party?

Miss BERKE. No.

Mr. COHN. You were not?

Miss BERKE. No.

Mr. COHN. Have you every been a member of the Communist Party?

Miss BERKE. I cite the fifth amendment on that.

Mr. COHN. While you were working at Fort Monmouth did you attend Communist meetings?

(The witness conferred with her counsel.)

Miss BERKE. Not to the best of my knowledge.

Mr. COHN. Did you ever attend Communist meetings?

Miss BERKE. I cite the fifth amendment on that.

Mr. COHN. Are you a member of the Communist Party at the present time?

Miss BERKE. No.

Mr. COHN. Were you a member of the Communist Party a month ago?

Miss BERKE. No.

Mr. COHN. Were you a member of the Communist Party 6 months ago?

Miss BERKE. I recall, in my previous testimony to you, you stated September 14, I gave you a date.

Mr. COHN. All right. So as of September 14, if we asked you if you were a member of the Communist Party—I will ask you a question: Were you a member of the Communist Party on September 13?

Miss BERKE. I will cite the fifth amendment on that.

Mr. COHN. Were you a member of the Communist Party on September 16?

Miss BERKE. No.

Mr. COHN. On September 15?

Miss BERKE. No.

Mr. COHN. We are talking about the year 1953; is that correct?

Miss BERKE. Yes, I assumed that.

Mr. COHN. This current year?

Miss BERKE. That is right.

The CHAIRMAN. Do you mean you dropped out of the party since you were called here as a witness?

Miss BERKE. That wasn't what I said.

The CHAIRMAN. Well, were you a Communist the day you appeared before the committee, at that time?

Miss BERKE. What was that date? I don't recall.

The CHAIRMAN. Well, you recall when you were here. Were you a Communist then?

Miss BERKE. No.

The CHAIRMAN. You were not a Communist then?

Miss BERKE. No.

Mr. COHN. Were you a member of the Communist Party in 1945?

Miss BERKE. I cite the fifth amendment on that.

Mr. COHN. In the year 1945 were you working as a radar tester, doing sub work for the Signal Corps at the Federated Television and Radio Laboratory?

Miss BERKE. Well, I would like to say something about that. I recall that my testimony in the executive session, you asked me if I had written in my application whether I was a radar tester and I said "No." But I did write it. I mean, actually I had the application, a copy of the application at home, and I had written it.

Mr. COHN. That is perfectly all right.

Miss BERKE. I know, I just wanted to explain. Whether I was a radar tester or not, I am not quite sure, because I am not too familiar with radar. I am perfectly willing to tell you what I did at Television and Radio.

Mr. COHN. Yes.

Miss BERKE. I am not sure whether that was considered a radar tester or not.

Mr. COHN. I was using the term that you used in your application.

Miss BERKE. Yes, I am aware of that.

Mr. COHN. I don't want to draw any technical shadings about that one way or another. If you will now tell us that you did in fact state that you were a radar tester and that was your way of describing the duties which you had, that is perfectly agreeable with us.

Miss BERKE. Yes, that is true.

Mr. COHN. That is the situation?

Miss BERKE. Do you want me to tell what I did?

Mr. COHN. If you care to.

Miss BERKE. I inspected some kind of directional finders. Whether they are a part of radar, I don't know.

Mr. COHN. The fact is they are.

Miss BERKE. I checked coils, I counted nuts and bolts, I worked on personnel and worked on war-bond drives, on seeing that people donated blood. I think that is important, too. And seeing that absenteeism was kept at a minimum, and seeing that people who had various jobs learned so that they could do more important jobs. All that for the company.

Mr. COHN. And when you used the term "radar tester," you were referring to the testing you did on this directional-finding equipment which you assumed was to be operated by radar?

Miss BERKE. Yes, I guess I was.

Mr. COHN. That is perfectly all right. Were you attending Communist Party meetings in the year 1945 when you were working there?

Miss BERKE. I cite the fifth amendment on that.

The CHAIRMAN. You cite the fifth amendment. Do you mean in each case you are refusing on the grounds of self-incrimination? Is that right?

Miss BERKE. I have to mean that, because that is what you mean. Actually, I feel that there is a certain amount of freedom of speech and freedom of—that people are entitled to.

The CHAIRMAN. You have complete freedom of speech if you want to talk here today. You can tell us, for example, whether or not you have been a Communist, when you dropped out of the party, why you dropped out. You can go into that in detail. We are not curtailing your freedom of speech at all.

Miss BERKE. I cite the fifth amendment on that.

The CHAIRMAN. When you cite the fifth amendment, you mean you are refusing to answer on the ground that your answer might tend to incriminate you?

Miss BERKE. All right.

The CHAIRMAN. Is that correct?

Miss BERKE. All right.

The CHAIRMAN. Not all right; is that correct?

Miss BERKE. Yes.

Mr. COHN. When you obtained your position with the New York Board of Education, about when was that, by the way?

Miss BERKE. I believe it was last spring sometime.

Mr. COHN. You filled out an application did you not?

Miss BERKE. Yes.

Mr. COHN. In that application you swore as follows:

"Have you ever by word of mouth or in writing illegally, willfully, and deliberately advocated, advised, or taught the doctrine that the Government of the United States of America or of any State or of any political subdivision thereof should be overthrown, or overturned by force, violence, or any unlawful means?" And you answered "No."

Another question: "Have you ever organized or helped to organize or become a member of any society or group of persons which teaches (or taught) or advocates (or advocated) that the Government of the United States or of any State or of any political subdivision thereof should be overthrown or overturned by force, violence, or any unlawful means?" And you answered "No."

Is that correct, did you give those two answers?

Miss BERKE. Yes, if that is what it says.

Mr. COHN. When you gave those answers were you a member of the Communist Party?

Miss BERKE. I cite the fifth amendment on that.

The CHAIRMAN. Let me ask you this—

Mr. COHN. Mr. Chairman, may I ask that we receive for the record these papers which we have subpoenaed from the New York Board of Education, which are Sylvia Berke's application for employment, containing the statements from which I have read.

The CHAIRMAN. Surely.

(The application mentioned above was marked "Exhibit No. 10" and will be found in the appendix on pp. 187-190.)

The CHAIRMAN. May I ask the witness this question: Is it not a fact that since the New York Board of Education passed a rule to the effect that it would not employ fifth amendment cases; that is, those who came before a committee and refused to answer whether or not they were Communists, since that time the Communist Party has given orders to all of the teachers in the New York area that they are to no longer attend Communist meetings, and to drop any outward evidence of membership in the Communist Party, so that they may continue to maintain their positions in the school system? Is that a correct statement of the order received from the Communist Party?

(The witness conferred with her counsel.)

MISS BERKE. Would you mind repeating that?

THE CHAIRMAN. The reporter will read it.

(The reporter read from his notes as requested.)

MISS BERKE. I understand that there is no such rule from the board of education.

THE CHAIRMAN. Have you received such orders from the Communist Party?

MISS BERKE. I cite the fifth amendment.

THE CHAIRMAN. Have you belonged to a teachers' unit of the Communist Party?

MISS BERKE. I cite the fifth amendment.

THE CHAIRMAN. Actually, before you appeared before this committee, you discussed with officials of the Communist Party the question of whether or not you could deny membership in the party as of the day you appear, is that not correct?

MISS BERKE. I cite the fifth amendment.

THE CHAIRMAN. Were you a member of the Communist Party the day before you appeared before this committee, the first time you appeared.

MISS BERKE. I have already given the date, Senator.

THE CHAIRMAN. The date that you were a member?

MISS BERKE. The dates that I came to the committee at which I answered and for which I did not cite the fifth amendment.

THE CHAIRMAN. Well, were you a member the day before you came here?

MISS BERKE. Would you mind giving me the date that I came here the first time?

THE CHAIRMAN. I do not know the date. Do you recall whether you were a member of the Communist Party the day before you came?

MR. RABINOWITZ. I might say, Senator—

THE CHAIRMAN. I want to hear from the witness.

(The witness conferred with her counsel.)

MISS BERKE. No.

MR. COHN. Mr. Chairman, may I state this: The investigation of the committee into Communist infiltration in the Signal Corps and radar was opened on August 31, 1953, when the first witnesses were called at that time. I am wondering whether or not, Miss Berke, you can tell us whether you were a member of the Communist Party on August 31, 1953.

MISS BERKE. I cite the fifth amendment.

THE CHAIRMAN. Mr. Cohn, just for the record, I think it should be clear that the investigation started long before that.

MR. COHN. I was talking about the first calling of witnesses, Mr. Chairman.

THE CHAIRMAN. Correct. Just so the record is clear.

Well, if the board of education follows the rule which they have laid down, and I am sure they will, I think they should be complimented for it, you might apply for a job over at Harvard. It seems to be a privileged sanctuary over there for fifth amendment cases. The president of Harvard has announced that he will not discharge fifth amendment cases.

Miss BERKE. Are these remarks necessary?

The CHAIRMAN. Assuming you lose your job in the New York school system.

You may step down. You will consider yourself under continuing subpoena, Miss Berke, and you will be notified if we want you to return.

The committee will adjourn the public session. There will be an executive session at 2 o'clock this afternoon and a public session at 10:30 tomorrow morning.

(Whereupon, at 12:30 p. m., the committee was recessed, to reconvene at 10:30 the following day, Tuesday, December 15, 1953.)

APPENDIX

EXHIBIT No. 5

Syllabus.

UNITED STATES *v.* RUMELY

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
CIRCUIT

No. 87. Argued December 11-12, 1952.—Decided March 9, 1953

Respondent was secretary of an organization which, among other things, engaged in the sale of books of a political nature. He refused to disclose to a committee of Congress the names of those who made bulk purchases of these books for further distribution, and was convicted under R. S. § 102, as amended, which provides penalties for refusal to give testimony or to produce relevant papers "upon any matter" under congressional inquiry. Under the resolution empowering it to function, the Committee was "authorized and directed to conduct a study and investigation of (1) all lobbying activities intended to influence, encourage, promote, or retard legislation; and (2) all activities of agencies of the Federal Government intended to influence, encourage, promote, or retard legislation." *Held*: The Committee was without power to exact the information sought from respondent. Pp. 42-48.

(a) To construe the resolution as authorizing the Committee to inquire into all efforts of private individuals to influence public opinion through books and periodicals, however remote the radiations of influence which they may exert upon the ultimate legislative process, would raise doubts of constitutionality in view of the prohibition of the First Amendment. P. 46.

(b) The phrase "lobbying activities" in the resolution is to be construed as lobbying in the commonly accepted sense of "representations made directly to the Congress, its members, or its committees"; and not as extending to attempts "to saturate the thinking of the community." P. 47.

(c) The scope of the resolution defining respondent's duty to answer must be ascertained as of the time of his refusal and cannot be enlarged by subsequent action of Congress. Pp. 47-48.

90 U. S. App. D. C. 382, 197 F. 2d 166, affirmed.

Respondent was convicted under R. S. § 102, as amended, 2 U. S. C. § 192, for refusal to give certain information to a congressional committee. The Court of Appeals reversed. 90 U. S. App. D. C. 382, 197 F. 2d 166. This Court granted certiorari. 344 U. S. 812. *Affirmed*, p. 48.

Oscar H. Davis argued the cause for the United States. With him on the main brief was *Robert L. Stern*, then Acting Solicitor General. With him on a reply brief was *Solicitor General Cummings*. *Assistant Attorney General Murray*, *Beatrice Rosenberg* and *John R. Wilkins* were on both briefs.

Donald R. Richberg argued the cause for respondent. With him on the brief were *Alfons B. Landa* and *Delmar W. Holloman*.

MR. JUSTICE FRANKFURTER delivered the opinion of the Court.

The respondent Rumely was Secretary of an organization known as the Committee for Constitutional Government, which, among other things, engaged in the sale of books of a particular political tendentiousness. He refused to disclose to the House Select Committee on Lobbying Activities the names of those who made bulk purchases of these books for further distribution, and was convicted under R. S. § 192, which provides penalties for refusal to give testimony or to produce relevant papers "upon any matter" under congressional inquiry. The Court of Appeals reversed, one judge dissenting. It held that the committee before which Rumely refused to furnish this information had no authority to compel its production. 90 U. S. App. D. C. 382, 197 F. 2d 166. Since

the Court of Appeals thus took a view of the committee's authority contrary to that adopted by the House in citing Rumely for contempt, we granted certiorari, 344 U. S. 812. This issue—whether the committee was authorized to exact the information which the witness withheld—must first be settled before we may consider whether Congress had the power to confer upon the committee the authority which it claimed.

Although we are here dealing with a resolution of the House of Representatives, the problem is much the same as that which confronts the Court when called upon to construe a statute that carries the seeds of constitutional controversy. The potential constitutional questions have far-reaching import. We are to recognize the penetrating and pervasive scope of the investigative power of Congress. The reach that may be claimed for that power is indicated by Woodrow Wilson's characterization of it:

"It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct. The informing function of Congress should be preferred even to its legislative function." Wilson, *Congressional Government*, 303.

Although the indispensable "informing function of Congress" is not to be minimized, determination of the "rights" which this function implies illustrates the common juristic situation thus defined for the Court by Mr. Justice Holmes: "All rights tend to declare themselves absolute to their logical extreme. Yet all in fact are limited by the neighborhood of principles of policy which are other than those on which the particular right is founded, and which become strong enough to hold their own when a certain point is reached." *Hudson Water Co. v. McCarter*, 209 U. S. 349, 355. President Wilson did not write in light of the history of events since he wrote; more particularly he did not write of the investigative power of Congress in the context of the First Amendment. And so, we would have to be that "blind" Court, against which Mr. Chief Justice Taft admonished in a famous passage, *Child Labor Tax Case*, 259 U. S. 20, 37, that does not see what "[a]ll others can see and understand" not to know that there is wide concern, both in and out of Congress, over some aspects of the exercise of the congressional power of investigation.

Accommodation of these contending principles—the one underlying the power of Congress to investigate, the other at the basis of the limitation imposed by the First Amendment—is not called for until after we have construed the scope of the authority which the House of Representatives gave to the Select Committee on Lobbying Activities. The pertinent portion of the resolution of August 12, 1949, reads:

"The committee is authorized and directed to conduct a study and investigation of (1) all lobbying activities intended to influence, encourage, promote, or retard legislation; and (2) all activities of agencies of the Federal Government intended to influence, encourage, promote, or retard legislation." H. Res. 298, 81st Cong., 1st Sess.

This is the controlling charter of the committee's powers. Its right to exact testimony and to call for the production of documents must be found in this language. The resolution must speak for itself, since Congress put no gloss upon it at the time of its passage. Nor is any help to be had from the fact that the purpose of the Buchanan Committee, as the Select Committee was known, was to try to "find out how well [the Federal Regulation of Lobbying Act of 1946, 60 Stat. 839] worked." 96 Cong. Rec. 13882. That statute had a section of definitions, but Congress did not define the terms "lobbying" or "lobbying activities" in that Act, for it did not use them. Accordingly, the phrase "lobbying activities" in the resolution must be given the meaning that may fairly be attributed to it, having special regard for the principle of constitutional adjudication which makes it decisive in the choice of fair alternatives that one construction may raise serious constitutional questions avoided by another. In a long series of decisions we have acted on this principle. In the words of Mr. Chief Justice Taft, "[i]t is our duty in the interpretation of federal statutes to reach a conclusion which will avoid serious doubt of their constitutionality." *Richmond Co. v. United States*, 275 U. S. 331, 346. Again, what Congress has written, we

said through Mr. Chief Justice (then Mr. Justice) Stone, "must be construed with an eye to possible constitutional limitations so as to avoid doubts as to its validity." *Lucas v. Alexander*, 279 U. S. 573, 577. As phrased by Mr. Chief Justice Hughes, "if a serious doubt of constitutionality is raised, it is a cardinal principle that this Court will first ascertain whether a construction of the statute is fairly possible by which the question may be avoided." *Crowell v. Benson*, 285 U. S. 22, 62, and cases cited.

Patently, the Court's duty to avoid a constitutional issue if possible applies not merely to legislation technically speaking but also to congressional action by way of resolution. See *Federal Trade Comm'n v. American Tobacco Co.*, 264 U. S. 298. Indeed, this duty of not needlessly projecting delicate issues for judicial pronouncement is even more applicable to resolutions than to formal legislation. It can hardly be gainsaid that resolutions secure passage more casually and less responsibly, in the main, than do enactments requiring presidential approval.

Surely it cannot be denied that giving the scope to the resolution for which the Government contends, that is, deriving from it the power to inquire into all efforts of private individuals to influence public opinion through books and periodicals, however, remote the radiations of influence which they may exert upon the ultimate legislative process, raises doubts of constitutionality in view of the prohibition of the First Amendment. In light of the opinion of *Prettyman, J.*, below and of some of the views expressed here, it would not be seemly to maintain that these doubts are fanciful or factitious. Indeed, adjudication here, if it were necessary, would affect not an evanescent policy of Congress, but its power to inform itself, which underlies its policy-making function. Whenever constitutional limits upon the investigative power of Congress have to be drawn by this Court, it ought only to be done after Congress has demonstrated its full awareness of what is at stake by unequivocally authorizing an inquiry of dubious limits. Experience admonishes us to tread warily in this domain. The loose language of *Kilbourn v. Thompson*, 103 U. S. 168, the weighty criticism to which it has been subjected, see, e. g., *Fairman, Mr. Justice Miller and the Supreme Court*, 332-334; *Landis, Constitutional Limitations on the Congressional Power of Investigation*, 40 *Harv. L. Rev.* 153, the inroads that have been made upon that case by later cases, *McGrain v. Daugherty*, 273 U. S. 135, 170-171, and *Sinclair v. United States*, 279 U. S. 263, strongly counsel abstention from adjudication unless no choice is left.

Choice is left. As a matter of English, the phrase "lobbying activities" readily lends itself to the construction placed upon it below, namely, "lobbying in its commonly accepted sense," that is "representations made directly to the Congress, its members, or its committees," 90 U. S. App. D. C. 382, 391, 197 F. 2d 166, 175, and does not reach what was in Chairman Buchanan's mind, attempts "to saturate the thinking of the community." 96 *Cong. Rec.* 13883. If "lobbying" was to cover all activities of anyone intending to influence, encourage, promote or retard legislation, why did Congress differentiate between "lobbying activities" and other "activities . . . intended to influence"? Had Congress wished to authorize so extensive an investigation of the influences that form public opinion, would it not have used language at least as explicit as it employed in the very resolution in question in authorizing investigation of government agencies? Certainly it does no violence to the phrase "lobbying activities" to give it a more restricted scope. To give such meaning is not barred by intellectual honesty. So to interpret is in the candid service of avoiding a serious constitutional doubt. "Words have been strained more than they need to be strained here in order to avoid that doubt." (Mr. Justice Holmes in *Blodgett v. Holden*, 275 U. S. 142, 148, with the concurrence of Mr. Justice Brandeis, Mr. Justice Sanford and Mr. Justice Stone.) With a view to observing this principle of wisdom and duty, the Court very recently strained words more than they need be strained here. *United States v. C. I. O.*, 335 U. S. 106. The considerations which prevailed in that case should prevail in this.

Only a word need be said about the debate in Congress after the committee reported that Rumely had refused to produce the information which he had a right to refuse under the restricted meaning of the phrase "lobbying activities." The view taken at that time by the committee and by the Congress that the committee was authorized to ask Rumely for the information he withheld is not legislative history defining the scope of a congressional measure. What was said in the debate on August 30, 1950, after the controversy had arisen regarding the scope of the resolution of August 12, 1949, had the usual infirmity of *post litem motam*,

self-serving declarations.¹ In any event, Rumely's duty to answer must be judged as of the time of his refusal. The scope of the resolution defining that duty is therefore to be ascertained as of that time and cannot be enlarged by subsequent action of Congress.

Grave constitutional questions are matters properly to be decided by this Court but only when they inescapably come before us for adjudication. Until then it is our duty to abstain from marking the boundaries of congressional power or delimiting the protection guaranteed by the First Amendment. Only by such self-restraint will we avoid the mischief which has followed occasional departures from the principles which we profess.

The judgment below should be

Affirmed.

MR. JUSTICE BURTON and MR. JUSTICE MINTON took no part in the consideration or decision of this case.

MR. JUSTICE DOUGLAS, with whom MR. JUSTICE BLACK concurs, concurring.

Respondent was convicted under an indictment charging willful refusal to produce records and give testimony before a Committee of the House of Representatives in violation of R. S. § 102, as amended, 52 Stat. 942, 2 U. S. C. § 192.² The Committee, known as the Select Committee on Lobbying Activities, was created on August 12, 1949, by House Resolution 298³ which provides in part as follows:

"The committee is authorized and directed to conduct a study and investigation of (1) all lobbying activities intended to influence, encourage, promote, or retard legislation; and (2) all activities of agencies of the Federal Government intended to influence, encourage, promote, or retard legislation."

Count one of the indictment charged that respondent willfully refused to produce records, duly subpoenaed, of the Committee for Constitutional Government (CCG), showing the name and address of each person from whom a total of \$1,000 or more had been received by CCG from January 1, 1947, to May 1, 1950, for any purpose *including receipts from the sale of books and pamphlets*. Count six charged a similar offense as to a subpoena calling for the name and address of each person from whom CCG had received between those dates a total of \$500 or more *for any purpose*. Count seven charged a willful refusal to give the name of a woman from Toledo who gave respondent \$2,000 for distribution of *The Road Ahead*, a book written by John T. Flynn.

The background of the subpoena and of the questions asked respondent is contained in a report of the Select Committee, H. R. Rep. No. 3024, 81st Cong., 2d Sess. It appears that CCG and respondent, its executive, registered under the Regulation of Lobbying Act (60 Stat. 839, 2 U. S. C. §§ 261 *et seq.*) on October 7, 1946. The reports under this registration (which was made under protest) showed that CCG had spent about \$2,000,000 from October 1946 to August 1950. The basic function of CCG, according to the Select Committee, was the "distribution of printed material to influence legislation indirectly." The Regulation of Lobbying Act requires disclosure of contributions of \$500 or more received or expended to influence, directly or indirectly, the passage or defeat of any legislation by the Congress. 2 U. S. C. §§ 264, 266. The Select Committee reported that after enactment of the Regulation of Lobbying Act CCG adopted a policy of accepting payments of over \$490 only if the contributor specified that the funds be used for the distribution of one or more of its books or pamphlets. It then applied the term "sale" to the "contribution" and did not report them under the Regulation of Lobbying Act. H. R. Rep. No. 3024, *supra*, pp. 1, 2.

The Report of the Select Committee also shows that while respondent was willing to give the Committee the total income of CCG, he refused to reveal the identity of the purchasers of books and literature because "under the Bill of Rights, that is beyond the power of your committee to investigate." *Id.*, p. 8. The books involved were *The Road Ahead* by John T. Flynn, *The Constitution*

¹ The ambiguity of the terms of the resolution—that is, whether questions asked to which answers were refused were within those terms—is reflected by the close division by which the committee's view of its own authority prevailed. The vote was 183 to 175.

² This section provides in pertinent part: "Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, . . . or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than \$1,000 nor less than \$100 and imprisonment in a common jail for not less than one month nor more than twelve months."

³ H. Res. 298, 81st Cong., 1st Sess.

of the United States by Thomas J. Norton, Compulsory Medical Care and the Welfare State, by Melchoir Palyi, and Why the Taft-Hartley Law by Irving B. McCann. Most of the purchasers (about 90 percent) had the books shipped to themselves; the rest told CCG the individuals to send them to or the type of person (*e. g.*, "farm leaders") who should receive them. One person had CCG send Compulsory Medical Care by Melchoir Palyi to 15,550 libraries.⁴

The Select Committee stated in its report:

"Our study of this organization indicates very clearly that its most important function is the distribution of books and pamphlets in order to influence legislation directly and indirectly. It attempts to influence legislation directly by sending copies of books, pamphlets, and other printed materials to Members of Congress. It attempts to influence legislation indirectly by distributing hundreds of thousands of copies of these printed materials to people throughout the United States.

"Of particular significance is the fact that Edward A. Rumely and the Committee for Constitutional Government, Inc., in recent years have devised a scheme for raising enormous funds without filing true reports pursuant to the provisions of the Federal Regulation of Lobbying Act. This scheme has the color of legality but in fact is a method of circumventing the law. It utilizes the system outlined above whereby contributions to the Committee for Constitutional Government are designated as payments for the purchase of books, which are transmitted to others at the direction of the purchaser, with both the contributor of the money and the recipients of the books totally unaware of the subterfuge in most cases." H. R. Rep. No. 3024, *supra*, p. 2.

The Select Committee insisted that the information demanded of respondent was relevant to its investigation of "lobbying activities" within the meaning of the Resolution. It said:

"Because of the refusal of the Committee for Constitutional Government, Inc., to produce pertinent financial records, this committee was unable to determine whether or not the Committee for Constitutional Government, Inc., is evading or violating the letter or the spirit of the Federal Regulation of Lobbying Act by the establishment of [a] class [of] contributions called 'Receipts from the sale of books and literature,' or whether they are complying with a law which requires amendments to strengthen it.

"The policy of the Committee for Constitutional Government, Inc., of refusing to accept contributions of more than \$490 unless earmarked for books, etc., may also involve: (1) Dividing large contributions into installments of \$490 or less, and causing the records of the Committee for Constitutional Government to reflect receipt of each installment on a different date, and/or causing the records of the Committee for Constitutional Government to give credit, for the several installments, to various relatives and associates of the actual contributor. (2) Causing the Committee for Constitutional Government records as to 'Contributions' to reflect less than the total amount of contributions actually received, by labeling some part of such funds as payments made for printed matter.

"Because of the refusal of the Committee for Constitutional Government, Inc., to produce pertinent financial records, this committee was unable to determine whether or not the Federal Regulation of Lobbying Act requires amendment to prevent division of large contributions into installments, or to prevent the crediting of contributions to others than the real contributor, or to prevent the use of other subterfuges." H. R. Rep. No. 3024, *supra*, pp. 2-3.

The Select Committee submitted its report to the House (96 Cong. Rec. 13873) and offered a Resolution that the Speaker certify respondent's refusal to answer to the United States Attorney for the District of Columbia. *Id.*, p. 13881. The House adopted the Resolution, *id.*, p. 13893, and on August 31, 1950, the Speaker certified respondent's refusal to testify.

Respondent was convicted and sentenced to a fine of \$1,000 and to imprisonment for six months. The Court of Appeals reversed by a divided vote (90 U. S. App. D. C. 382, 197 F. 2d 166), the majority holding that "lobbying activities" as used in the Resolution creating the Select Committee did not authorize the inquiries made of respondent. In its view the term "lobbying activities" meant

⁴When the Taft-Hartley law was under discussion, CCG published a pamphlet "Labor Monopolies or Freedom" of which 250,000 copies were distributed. "All members of Congress got a copy. It went to publishers. People who could take opinion that way, and mint it into small coin to distribute to others." H. R. Rep. No. 3024, *supra*, p. 11. Respondent testified that Frank Gannett paid for that distribution.

direct contact with Congress, not attempts to influence public opinion through the sale of books and documents.

The Court holds that Resolution 298 which authorized the Select Committee to investigate "lobbying activities" did not extend to the inquiry on which this contempt proceeding is based. The difficulty with that position starts with Resolution 298. Its history makes plain that it was intended to probe the sources of support of lobbyists registered under the Regulation of Lobbying Act. Congressman Sabath, one of the sponsors of the Resolution, included CCG in a "partial list of some of the large lobby organizations and their reports of expenditures for the first quarter of 1949." See 95 Cong. Rec., p. 11386. The Regulation of Lobbying Act, under which respondent and CCG were registered, applies to all persons soliciting or receiving money to be used principally "to influence, directly or indirectly, the passage or defeat of any legislation by the Congress of the United States." 2 U. S. C. § 266 (b). Congressman Buchanan, who introduced the Resolution and who became Chairman of the Select Committee, said that the purpose of the Resolution was to investigate the operations of that Act.⁵ Not a word in the Resolution, not a word in the debate preceding its adoption suggests that the inquiry was to be delimited, restricted, or confined to particular methods of collecting money to influence legislation directly or indirectly.

The Select Committee took the same broad view of its authority.⁶ It concluded that "all substantial attempts to influence legislation for pay or for any consideration constitute lobbying." H. R. Rep. No. 3239, 81st Cong., 2d Sess., p. 1. It said that "pamphleteering" was a lobbying activity that overshadows "the traditional techniques of contact and persuasion." *Id.*, p. 3. And it cited for its conclusion the activities of CCG. *Id.* This conclusion was reached over vehement objections by three minority members of the Select Committee who insisted that an investigation of that breadth exceeded the authority of the Resolution and infringed on the constitutional rights of free speech and free press. *Id.*, Part 2, p. 2.

This was the posture of the case when the Select Committee referred respondent's refusal to testify to the House for contempt proceedings. Congressman Buchanan called the collection of funds through the sale of books and pamphlets an evasion of the Regulation of Lobbying Act. 96 Cong. Rec. 13882. He pressed on the House the importance of controlling that kind of activity in a regulation of lobbying. And he asked that the House ratify the conclusion of the Select Committee that respondent was in contempt. *Id.*, pp. 13886, 13887. That construction of the Resolution was challenged by Congressman Halleck, a member of the Select Committee who signed the minority report. He argued that the contempt citation sought had "nothing to do with the influencing of legislation in the ordinary ways of seeing Members of Congress or communicating with them. It has only to do with the formation of public opinion among the people of the country." *Id.*, p. 13888. Congressman Halleck's argument was twofold—that the inquiry was not within the purview of the Resolution and that, if it were, it would be unconstitutional. *Id.*, pp. 13887–13888. Others took up the debate on those issues. The vote was taken; and the Resolution passed. *Id.*, p. 13893.

Thus the House had squarely before it the meaning of its earlier Resolution. A narrower construction than the Select Committee adopted was urged upon it. Congressmen pleaded long and earnestly for the narrow construction and pointed out that, if the broader interpretation were taken, the inquiry would be trenching on the constitutional rights of citizens. I cannot say, in the face of that close consideration of the question by the House itself, that the Select Committee exceeded its authority. The House of Representatives made known its construction of the powers it had granted. If at the beginning there were any doubts as to the meaning of Resolution 298, the House removed them. The Court is repudiating what the House emphatically affirmed, when it now says that the Select Committee lacked the authority to compel respondent to answer the questions propounded.

⁵ Pressure groups interpret the Lobbying Act in different ways. Some file expenses. Others file full budget, but list expenditures they judge allocable to legislative activities. Still others file only expenditures directly concerned with lobbying.

⁶ "Some organizations argue they need not file unless principal purpose is influencing legislation. But Justice Department says, 'principal' includes all who have substantial legislative interests. Lobbies also differ on who filed expenditures—organizations or individuals." 95 Cong. Rec. 11389.

⁷ An analysis of the scope of the investigation and the meaning of "lobbying" is contained in the General Interim Report of the Select Committee. H. R. Rep. No. 3138, 81st Cong., 2d Sess., pp. 5 *et seq.*

II

Of necessity I come then to the constitutional questions. Respondent represents a segment of the American press. Some may like what his group publishes; others may disapprove. These tracts may be the essence of wisdom to some; to others their point of view and philosophy may be anathema. To some ears their words may be harsh and repulsive; to others they may carry the hope of the future. We have here a publisher who through books and pamphlets seeks to reach the minds and hearts of the American people. He is different in some respects from other publishers. But the differences are minor. Like the publishers of newspapers, magazines, or books, this publisher bids for the minds of men in the market place of ideas. The aim of the historic struggle for a free press was "to establish and preserve the right of the English people to full information in respect of the doings or misdoings of their government." *Grosjean v. American Press Co.*, 297 U. S. 233, 247. That is the tradition behind the First Amendment. Censorship or previous restraint is banned. *Near v. Minnesota*, 283 U. S. 697. Discriminatory taxation is outlawed. *Grosjean v. American Press Co.*, *supra*. The privilege of pamphleteering, as well as the more orthodox types of publications, may neither be licensed (*Lovell v. Griffin*, 303 U. S. 441) nor taxed. *Murdock v. Pennsylvania*, 319 U. S. 105. Door to door distribution is privileged. *Martin v. Struthers*, 319 U. S. 141. These are illustrative of the preferred position granted speech and the press by the First Amendment. The command that "Congress shall make no law . . . abridging the freedom of speech, or the press" has behind it a long history. It expresses the confidence that the safety of society depends on the tolerance of government for hostile as well as friendly criticism, that in a community where men's minds are free, there must be room for the unorthodox as well as the orthodox views.

If the present inquiry were sanctioned, the press would be subjected to harassment that in practical effect might be as serious as censorship. A publisher, compelled to register with the Federal Government, would be subjected to vexatious inquiries. A requirement that a publisher disclose the identity of those who buy his books, pamphlets, or papers is indeed the beginning of surveillance of the press. True, no legal sanction is involved here. Congress has imposed no tax, established no board of censors, instituted no licensing system. But the potential restraint is equally severe. The finger of government leveled against the press is ominous. Once the government can demand of a publisher the names of the purchasers of his publications, the free press as we know it disappears. Then the spectre of a government agent will look over the shoulder of everyone who reads. The purchase of a book or pamphlet today may result in a subpoena tomorrow. Fear of criticism goes with every person into the bookstore. The subtle, imponderable pressures of the orthodox lay hold. Some will fear to read what is unpopular, what the powers-that-be dislike. When the light of publicity may reach any student, any teacher, inquiry will be discouraged. The books and pamphlets that are critical of the administration, that preach an unpopular policy in domestic or foreign affairs, that are in disrepute in the orthodox school of thought will be suspect and subject to investigation. The press and its readers will pay a heavy price in harassment. But that will be minor in comparison with the menace of the shadow which government will cast over literature that does not follow the dominant party line. If the lady from Toledo can be required to disclose what she read yesterday and what she will read tomorrow, fear will take the place of freedom in the libraries, book stores, and homes of the land. Through the harassment of hearings, investigations, reports, and subpoenas government will hold a club over speech and over the press. Congress could not do this by law. The power of investigation is also limited.⁷ Inquiry into personal and private affairs is precluded. See *Kilbourn v. Thompson*, 103 U. S. 168, 190; *McGrain v. Daugherty*, 273 U. S. 135, 173-174; *Sinclair v. United States*, 279 U. S. 263, 292. And so is any matter in respect to which no valid legislation could be had. *Kilbourn v. Thompson*, *supra*, pp. 194-195; *McGrain v. Daugherty*, *supra*, p. 171. Since Congress could not by law require of respondent what the House demanded, it may not take the first step in an inquiry ending in fine or imprisonment.

⁷ Cf. *Barsky v. United States*, 83 U. S. App. D. C. 127, 167 F. 2d 241, certiorari denied, 334 U. S. 843, rehearing denied, 339 U. S. 971, and *Marshall v. United States*, 85 U. S. App. D. C. 184, 176 F. 2d 473, certiorari denied, 339 U. S. 933, rehearing denied, 339 U. S. 959.

EXHIBIT No. 6

[From Daily Worker, New York, May 4, 1934]

C. I. MAGAZINE TO BE PUBLISHED IN THE U. S.—“REFLECTS ADVANCES MADE BY THE COMMUNIST PARTY OF U. S. DURING PAST YEAR”

(Reviewed by Leonard Mins)

With the American publication of Nos. 2 and 3, volume 11, the Communist International, official organ of the Executive Committee of the Comintern, enters upon a new phase in its expansion all over the world. The publishing of the CI in this country marks a decisive step forward in the basic theoretical political education of the revolutionary working class in the United States and reflects the advances made by the Communist Party of the U. S. A. during the past year.

The Communist International now appears twice a month in English, Russian, German, French, Chinese and Spanish; it is published in more different languages and at more widely distant points than any other journal in the world, as befits the organ of the international fighting working class.

The editorial in No. 2 reviews the XVII Congress of the Communist Party of the Soviet Union, “the congress of victors, the congress of the construction of classless society.” The magnificent achievements of the workers of the Soviet Union are graphically summarized in the fact that “on the eve of the first 5-year plan the U. S. S. R. occupied fifth place among the countries of the world. On the eve of the second 5-year plan, it had advanced to third place in the world and second place in Europe.”

Comrade Stalin's analysis in discussing the revolutionary situation, throughout the world is a timely admonition to the Communist Parties:

“A revolutionary crisis is maturing and will continue to mature. * * * But the victory of the revolution never comes by itself. It has to be prepared for and won. And only a strong proletarian revolutionary party can prepare for and win victory.”

An article on the “Revolutionary battles in Cuba” gives a concise summary of political events in the Yankee semicolonies since the rise of the Grau-Batista government.

“Once More About Work in the Reformist and Fascist Unions,” by Comrade Piatnitsky of the ECCI, again raises the extremely vital question of the defects of Communist work in the labor unions. Taking concrete examples from the activities of the Swedish, Polish, German and British Communist Parties, Piatnitsky points to the Communists' general failure to consolidate their gains made during the leadership of strikes—which is a major defect in our trade-union work in the United States as well.

The issue concludes with Comrade Earl Browder's speech at the 13th Plenum of the ECCI, which should be read and studied for its cogent analysis of the New Deal and the problems facing the party in the months to come.

The leading article in No. 3 of the Communist International, by V. Klorin, an outstanding leader of the Communist Party of Germany, surveys the “Vanguard Struggles of the Second Round of Revolutions” signalized by the revolutionary events in France and Austria last February. What has happened in Vienna and in Paris is a timely object lesson to the workers of the United States in their mobilization against the New Deal regime.

“Fifteen Years of the Communist International,” planned as theses for party instructors, is a very valuable and concise summary of the history of the international working class as reflected in the development of its world leadership, the Comintern. The colonial and national questions, trade-union work, the betrayal role of the Socialists, the rise of fascism, and the problems facing the Communist Party leading the proletariat toward Soviet power through revolutionary struggle are brilliantly analyzed in these theses issued by the Agitprop of the Comintern.

Comrade Rust, of the Central Committee of the CPGB, discusses the advance of communism in Great Britain during the past 15 years in his article on the problems of uniting all the revolutionary forces in Britain into a single, powerful, Communist Party. The lessons of the Communist work in England are of considerable importance for us in the United States.

The issue concludes with two valuable reports on the problems of provocateurs and illegality. Comrade Bronkovsky of the Communist Party of Poland discusses the recent exposure of agents provocateur who had wormed their way into responsible posts within the Polish Party. The methods used by that party in disclosing and getting rid of these provocateurs within the ranks should be carefully studied by every party member here in the United States as a vital part of our constant, ever-vigilant efforts to keep the party ranks free of stool pigeons and police spies.

Comrade Richter furnishes another valuable article on "Questions Arising in Communist Parties in Going Over to Illegality." He makes the experience of the German Communist Party in its transition from a legal mass party to a party working under difficult underground conditions against Fascist terror available to the brother Communist Parties throughout the world. With the growth of terroristic repression in the United States—see Imperial Valley, the Alabama sharecroppers, and the general tightening of police measures against Communist activity—the party members must devote considerable study to the problems facing the party in building the apparatus and in the methods of work necessary for illegal activity.

At 10 cents per issue and \$2 for a year's subscription, the Communist International is indispensable for every class-conscious worker. It is imperative that every party organization, beginning with the factory nucleus, that all workers' schools, that every workers' club, make the Communist International a part of its regular periodical file for reading and study by its members. No proletarian library is complete without this important current survey of revolutionary problems and the work of the Communist Parties all over the world. Spread the Communist International, popularize its contents, organize discussions of the outstanding problems raised in each issue—make it part of our revolutionary life here in the United States.

EXHIBIT No. 9A

[From New Masses, January 2, 1934]

THE REICHSTAG TRIAL: A NAZI DEFEAT

Leonard E. Mins

What is probably the greatest political trial of the 20th century, overshadowing even the Dreyfus case, has come to a long-delayed end. The Nazi endeavored to prove in open court, that the four accused set fire to the German Reichstag on the night of February 27, 1933 "as a signal for the Communist uprising"—this endeavor has collapsed. Collapsed in a Nazi-dominated courtroom, in a trial that mocked even the standards of bourgeois civil liberties, where the accused Communists were not allowed to conduct their own defense as they saw fit, where defense witnesses were refused safe conduct to appear and testify and where obviously perjured witnesses were shielded by the combined resources of the German Supreme Court, the attorney general, and the iron ring of censorship around the Fascist Third Reich.

When the curtain finally rose on the stage in Leipzig, after 7 months of police investigation and 7 successive postponements, the outside world awaited with some misapprehension the surprises planned during these long Nazi preparations. It is a curious but significant circumstance that at the very beginning of the hearings Attorney General Werner chose the discreet course of refusing to issue the 243-page-long indictment for publication. He held the thick volume in his hands, declaring that it contained the proof of the Communists' guilt, but he did not disclose these proofs.

During the past 3 months the reason for this curious behavior has become clear. From the trial's very first day the Leipzig prosecutors were on the defensive. They were not trying the men who happened to be in the prisoners' dock; they were putting on trial the organizations and the men who were spreading the truth about the Reichstag fire abroad. They were trying desperately to clear Germany's Nazi rulers of the charge that it was they who set the Reichstag on fire to capitalize the ensuing events for their own political profit.

The Reichstag fire trial is over, and the Nazi court has failed to lift a corner of the veil assiduously thrown about what actually happened. As far as the hearings were concerned only one thing was proved: the Reichstag did burn.

Marinus van der Lubbe, the young Dutch mason's apprentice—a former member of the Communist Party of Holland who had turned Fascist and been expelled from the party some 4 years before—had admitted setting fire to the building immediately after his arrest at the scene of the crime. But to drive home the major political charge, on which everything else depends: that it was the Communists, rather than the Nazis, who ordered the firing of the Reichstag, the attorney general had to prove the complicity of Torgler and the three Bulgarians: Georg Dimitroff, Blogoi Popoff, Vassil Taneff. All the prosecution was able to prove was that Torgler and the three Bulgarians are Communists—which they never tried to deny. In failing to link the four Communists with the actual fire, the Nazi case broke down utterly. It scarcely required a trial to prove that the four defendants were Communists and hence "traitors" in the eyes of the Hitler government.

In failing to prove that the Communists burned the Reichstag, the Reich Supreme Court was left in the presence of an embarrassing specter—the Nazis' guilt. For the whole world realized that there was no alternative. Either the Communists were found guilty, or the entire structure upon which the Nazi regime of terror, the countless murders, beatings, night raids, and tortures had been erected would lose its morale underpinning.

Why, with dictatorial Nazi rule in Germany, were the four Communist defendants acquitted by this court, which had shown itself so utterly subservient to its Fascist superiors? Only because it had become politically inexpedient for the Nazis to place the heads of Torgler, Dimitroff and their comrades upon the headsman's block. And this political situation had been brought about by two major factors: first, the total collapse of the patchwork of perjury and unsubstantiated hearsay that comprised the prosecution's elaborate case; and secondly, the tremendous wave of indignant protest against the Leipzig farce, that rolled in upon Germany from the four corners of the earth. In the face of this gigantic manifestation of international solidarity, scarcely equalled even in the Sacco-Vanzetti or Scottsboro cases, and in the face of the pitiful breakdown of the indictment under the relentless questioning of Dimitroff and Torgler—ably supported by the Brown Book and the London International Commission of Inquiry—the Hitler-Goering-Goebbels camarilla was forced to retreat.

For the Nazis, this trial has been a succession of defeats. Planned as the principal political campaign against communism, it has discredited the Nazis even within Germany. The accused Communists in defending themselves, have turned the courtroom into a forum for the defense of their party, and have pilloried the Nazi regime in all its brutality and blundering. Dimitroff's courageous and masterful cross-examination of the prosecution's witnesses evoked the reluctant admiration of practically every foreign correspondent at the trial. He has given the workers of the world a supreme object lesson in how a revolutionary conducts his defense before the bar of a hostile class court. His self-possessed bravery, facing Goering in what was possibly the most dramatic scene in the forensic history of the past 50 years, has made him the "secret national hero of Germany," as the semiofficial Prague Presse editorially described him. This paper's correspondent reports Nazis in Germany as saying of Dimitroff: "An imposing fellow; pity he isn't a Nazi!" This incident shows the extent to which the Communists' defense at the Reichstag trial has helped undermine Nazi prestige among the German masses, and obviously enough, to strengthen the determination and self-confidence of the anti-Fascists working underground in the Reich.

The trial is over, but the acquitted Communist defendants are not at liberty. Torgler will doubtless be tried, together with Ernst Thaelmann and other party leaders, for "high treason." Dimitroff and his Bulgarian comrades face deportation to Fascist Bulgaria, where death sentences have already been handed down against them *in absentia*, with the possible alternative of mere expulsion from Germany, with the right to go where they choose. Again, they may very likely be tried again on the charge of having false passports. Finally, there is the ever-present likelihood that these heroic Communists, like so many of their comrades, will one day be reported to have "died of heart failure" or to have been "shot while attempting to escape."

That the Reichstag trial was held in public instead of secretly, that Torgler, Dimitroff, and the others are alive today at all, that the Nazis have been forced to acquit them of the Reichstag arson charge—all this has been achieved as the result of mass pressure. It is not the "even-handed justice" of the Nazi-controlled court nor a "liberal attitude" on the part of the Nazi rulers that has snatched these Communists from the headsman's ax. International solidarity,

the mounting total of demonstrations, protest telegrams, pitiless publicity and mass pressure, have shown in the Reichstag fire trial that the working class has an effective weapon in its battle against the class justice of its capitalistic enemy.

EXHIBIT No. 9 (b)

[From Daily Worker, New York, April 3, 1937]

WORKERS SCHOOL LISTS NEW COURSES

In addition to the standard courses in Marxism history, and trade unionism, the spring term program of the workers school will contain a number of new courses, some of which are ordered for the first time.

Among the new courses to be introduced, the spring term catalogue lists "The Labor and Socialist Movement during the Twentieth Century" given by Louis F. Budenz; "History of the International Labor Movement," given by Leonard Mins; "China and the Far East in World Affairs," given by Julius Loeb, and a lecture series on current events to be conducted by Milton Howard.

The spring term opens on Monday, April 12, and registration is now going on at the workers school office, 35 East 12th Street, daily from 10 a. m. to 9 p. m.

EXHIBIT No. 9 (c)

[From New Masses, June 29, 1937]

READERS' FORUM—MARXIST PHILOSOPHY AND SPIRITUAL MAN—POLITICAL PRISONERS IN NAZILAND—ATTACKING A TRUTHFUL FILM

John Starchey's review of Towards the Christian Revolution [May 25], and your article and letter by Catholics [June 22] make it evident that sincerely religious persons are now beginning to discover in Marxism philosophy that at-tunement of their spirit with the forces of reality that they have been robbed of by the church. Like water that seeks its own level, man's natural aspirations must, if frustrated, result in a breaking loose from restraining barriers and a cutting of new channels, wide and strong to hold the expanding stream.

Is it not time that the revolutionary movement of today examined its stand upon certain important aspects of life, chief among which is the religious spirit? Is it not to the men and women who are in the vanguard of the people's struggle intellectually and organizationally that serious people will look in increasing numbers for a redefining of the part that spirit plays in the lives of workers today? The average man who remains a church member has become inert merely through lack of a more energizing outlet for his half-atrophied aspirations. The healthy-minded man who abandons the church turns in disgust to food-faddism and faith-healing, and then to some newer, equally superficial diversion. The sick of soul becomes introspective and grows antisocial, finding no sphere of thought or action that will unite him with his fellows. And meanwhile, all unawares, these men and women stand upon the threshold of a movement from which its adherents derive the very spiritual satisfaction they seek. Men and women in Spain lay down their lives gladly for a cause that they believe vital to the success of the workers' struggle against oppression. Religious-minded men and women find inspiration in such sacrifices. They will not fail to recognize the spiritual significance of Julius Rosenthal's death at Jarama last March. They will be deeply affected by the story of a man who could so cheerfully deprive himself of medical attention as he lay wounded in a field hospital because his younger comrades had a longer span of years in which to fight the Fascist menace. They will ask themselves if any other way of life can breed such men, can fill a man's deep spiritual need so completely.

If the church can no longer feed man's spirit, Marxist philosophy must step in and take its full responsibility.—Rosemary Frost.

FACING DEATH IN GERMANY

I have just received the following cable from the noted German anti-Fascist playwright whose Professor Mamlock is now playing in New York:

"Help us save lives of Robert Stamm, Reichstag Deputy, and Adolf Rembte, editor, condemned to death. Recent execution American citizen Helmut Hirsch indicates appalling danger to the lives of these two men. Do what you can.

"FRIEDRICH WOLF."

Robert Stamm, born in Remscheid in 1900, was one of the leaders of the Communist Party in Bremen until Hitler came to power. After Hitler's nullification of the Communist seats in the Reichstag, Stamm continued working against the Nazi regime underground until his arrest in 1935. He has been kept incommunicado since then and was tried secretly only last week.

Adolf Rembte, born in Billstedt, a suburb of Hamburg, in 1902, served several years in prison for strike activity some 10 years before Hitler came to power. After his release he edited a Communist newspaper in Germany. Sentenced again to 2 years in jail in 1930 for his editorial work, he was released in 1932 and worked in the underground Communist movement until his arrest.

I urgently ask that the readers of the New Masses write or telegraph Dr. Dieckhoff, the German Ambassador at Washington, insisting that the secret death sentences against these two anti-Fascists be annulled. It is not too late to save them.—Leonard E. Mins.

PERSECUTING "SPAIN IN FLAMES"

I happen to have had the opportunity of seeing some of the things that have been happening in connection with the film *Spain in Flames*. It is no longer hot news that Hearst supports Hitler and Mussolini in everything, including the rape of Spain. A Hearst campaign against the film, therefore, should not surprise anyone. The picture, after all, does nothing but tell the truth about Spain today—and this in itself is enough to earn it the enmity of Onkel Wilhelm. However, when the Los Angeles Examiner runs an anti-Semitic-please-give-us-a-Hitler-letter directly under a cartoon attacking Red movies—well, one should pay a little more attention.

The cartoon, which appeared in the April 22 issue, was a typical Hearst masterpiece, hairy-legged Bolshevik spider et al. Directly below it, under the caption, "He Hopes for a Hitler," was this letter: "Have you ever noticed that those Jewish folks who are always slandering Hitler are usually also very active workers for Moscow in this country? Americans are beginning to realize that Adolf Hitler is right, despite all the filthy lying propaganda spread against him. Would that we had a great statesman like him in this country.—E. M."

A mere coincidence? Perhaps. But on May 3, the United Progressive News, another Los Angeles paper, quoted Thomas B. Flannagan, secretary of the Los Angeles Council of the Knights of Columbus, which is leading the boycott on *Spain in Flames*, as saying: "The Hearst papers have been very kind to us. They are helping us reach the American public * * * The Knights of Columbus is not concerned with fascism. However, if there ever is a choice between fascism and communism, we would prefer the former * * * The K. of C. officially is taking no stand in the Spanish civil war. As individuals, however, all of us, including the Catholic church, sympathize with the rebels * * *."

Which still wouldn't prove a hell of a lot unless the complete background of this new campaign were exposed. Briefly, then, the picture is this: *Spain in Flames* consists of two parts—the first, a compilation of newsreel clips on the background of the Spanish popular front; the second, uncensored scenes taken in Spain by Soviet cameramen at the front. Its authenticity was never disputed.

The picture played in New York, and was well received. Then, a Hearst stooge in California spilled a few beans. Cardinal Pacelli, he said, had "started something" on his recent visit to this country. (That "something" was the anti-Communist crusade of the Catholic church in America.) The real Americans, he said, "wouldn't stop at ballots" in their campaign against the "Red Roosevelt government and the other Red governments." This time Hearst wouldn't stick his neck out; Onkel Wilhelm would merely "report" the activities of the modern crusaders. "We're going to start in on *Spain in Flames*," he said, "and if we stop this picture, we'll just go right on cleaning up on everything Red."

None of the people connected with the picture took this information very seriously, but within a few weeks they learned better. In Pennsylvania, the censors—headed by the widow of Red-baiter A. Mitchell Palmer—banned the

picture from the State. Ohio followed suit. It happens that newsreel pictures are not subject to censorship. The censors were stepping beyond their legal bounds in acting on the picture.

Louis McCabe, Irish-Catholic attorney of Philadelphia, appealed to his friend Governor Earle to see the picture and reverse the decision. Earle then made his first speech to the Catholic vote in his 1940 campaign: "This picture is pure communistic propaganda, dressed as a plea for democracy. * * * We Pennsylvanians are not interested in the propaganda of a government largely made up of Communists, syndicalists, and anarchists, who butcher priests. * * *

Earle's campaign speech touched off the waiting Pacelli stink bombs. The Ohio censors let it be known that they had barred Spain in Flames because it was partisan propaganda and irreligious; it shows Madrid burying its dead without benefit of clergy. The picture also shows high priests blessing the Fascist troops, but this the censors do not mention.

To date, the Pacelli boys have scored some important victories. Their methods, in contrast to the frank, open mass tactics of labor and progressive groups in fighting vicious films, have been the typical Fascist maneuvers of blackmail and threats. In one New York theater, the run of Spain in Flames was terminated by a stink bomb on the fourth day. Catholic-Fascist pressure groups have threatened theaters with a permanent boycott if they played Spain in Flames. The Knights of Columbus, in one case, bought off a theater manager with a goodly assortment of hard liquor.

It is of interest to note that in Seattle, where the film was booked jointly by the Seattle branch of the North American Committee to Aid Spanish Democracy and the newspaper guild, the Pacelli-Hearst attempts at stopping the film proved futile. Seattle, it happens, has a strong labor movement—a movement which proved too strong for the Catholics to whip.

The Pacelli-Hearst war on Spain in Flames has not been a series of easy victories, however. In Philadelphia, the North American Committee and the National Council on Freedom from Censorship held a private showing for 500 ministers, teachers, and publicists, including 50 individuals selected by Governor Earle himself. After the showing, the audience indicated its opinion of the banning of the film. The ballots showed only nine in favor of the ban.

In Ohio, both the Cleveland Press and the Columbus Citizen attacked the censor board for its action. In both Pennsylvania and Ohio, local organizations are fighting the ban in the courts. In Lynn, Mass., the mayor was forced to O. K. Spain in Flames despite K. of C. and the American Legion. It happens that Lynn is a labor stronghold.

The fight revolving around the film just now is a battle that the labor movement cannot afford to concede to Hearst and Pacelli. No one can afford to stay out of this situation. If the Fascists fail, it will be a setback for the Spanish interventions as well as for Hearst—who needs a whipping as thorough as the one he received last November.—Martha Donovan.

No. 9 (d)

[From New Masses, April 22, 1941]

IN DEFENSE OF CULTURE

(The following is the Call to the Fourth Congress of the League of American Writers, June 6-8, in New York City)

In this hour of crisis, conscious of our responsibility as writers and our pledge to help preserve the American heritage of freedom and democratic culture, we issue this Call to the Fourth Congress of the League of American Writers.

We are gathering to reaffirm the aims of our three previous congresses.

In 1935, in 1937, and again in 1939, we declared our indissoluble ties with the American people. We proclaimed our unalterable conviction that reaction and its wars are the greatest enemies of a free and flourishing culture. We resolved to promote an atmosphere in which the literary crafts could be discussed cooperatively without compulsion or fear. We expressed our solidarity with the other progressive writers of this hemisphere and of the world.

In 1941, the values by which we have lived are facing unprecedented attacks. Half of the world is at war and the other half is endangered by attempts to draw it into war. We had warned of the consequences of "nonintervention" in Spain, of aid to the aggressor in China, of appeasement at Munich. Today, these consequences are tragically apparent. We have warned that America must be

defended not by involvement in this war, or by steps toward dictatorship, or by pursuing a course of imperialist expansion, but by preserving peace and expanding democracy on the economic, political, and cultural levels. Today, we must ask whether the present policy of the administration and the program of big business are not leading us toward war and fascism in the name of resistance to war and fascism.

Our lives and our work, as craftsmen and as human beings, are at stake. We have special problems to meet: censorship and diversion of art to further a war the people do not want; diminishing outlets for the expression of our honest convictions; disregard for the needs of anti-Fascist writers who seek asylum in the Americas. Wherever the right to speak is lost, we too are the losers. Wherever civil liberties are abridged, our stories, poems, plays, essays, and books are abridged. The attacks on trade unions, political minorities, and education are attacks on our basic convictions as writers and as citizens.

We know that our existence as free writers, spokesmen of a free people, depends on our continued loyalty to the principles which govern the work of the League of American Writers. We therefore call our fellow writers, and our associates in the related cultural crafts, to the fourth biennial congress to consider the following questions:

How best as writers can we resist the drive toward war and reaction which threatens our democratic culture?

What can we do to extend further help to persecuted writers of other lands?

What can we do to restore the WPA cultural projects and to transform them into permanent people's art projects vital to the Nation's strength?

What new technical developments in the various forms of writing need to be analyzed and evaluated?

What measures can we take to combat and surmount the growing restrictions on our work as honest craftsmen?

How can we contribute to a genuine cultural interchange between the peoples of the Americas?

How can we enrich America's imperishable democratic literature and extend its audience?

Initial signers: Katharine Anthony, Benjamin Appel, Leopold Atlas, Helen Bergovoy, Alvah Bessie, Ivan Black, William Blake, Marc Blitzstein, Millen Brand, Dorothy Brewster, Edwin Berry Burgum, Fielding Burke.

Harry Carlisle, Robert Carse, Vera Caspary, Molly Castle, Haakon Chevalier, Edward Chodorov, Jerome Chodorov, Lester Cole, Jack Conroy, Alexander L. Crosby, H. W. L. Dana, Joy Davidman.

Frank Marshall Davis, Martha Dodd, William E. Dodd, Jr., Pietro di Donato, Muriel Draper, Theodore Dreiser, James Dugan, Robert W. Dunn, Arnaud d'Usseau, Edward Eliscu, Ralph Ellison, Ben Field.

Frederick V. Field, Sarah Bard Field, Joseph Fields, Sender Garlin, Lillian Barnard Gilkes, Michael Gold, Morton Grant, Dashiell Hammett, Henry Hart, Lillian Hellman, Eugene C. Holmes, Langston Hughes.

Paul Jarrico, Gordon Kahn, Jean Karsavina, Rockwell Kent, Jerome Klein, Arthur Kober, Lester Koenig, Alfred Kreymborg, Joshua Kunitz, Corliss Lamont, John Howard Lawson, Meridel LeSueur.

Robert Morss Lovett, Helen Merrell Lynd, Ruth McKenney, May McNeer, Carey McWilliams, A. B. Magil, Albert Maltz, Dexter Masters, Robert Meltzer, Leonard E. Mins, Bruce Minton, Dudley Nichols.

Joseph North, Harvey O'Connor, Sam Ornitz, Myra Page, Phelps Putnam, Samuel Putnam, Mike Quin, Maurice Rapf, Walter Rautenstrauch, W. L. River, Earl Robinson, Wellington Roe.

Harold J. Rome, Robert Rossen, Jerry Sackheim, Harold J. Salemsen, Waldo Salt, John Sanford, Margaret Schlauch, Isidor Schneider, Vida D. Scudder, Frank Scully, George Seldes, Viola Brothers Shore.

Samuel Sillen, George Sklar, Isobel Walker Soule, Marian Spitzer, Christina Stead, Bernhard J. Stern, Philip Stevenson, Donald Ogden Stewart, Hans Otto Storm, Anna Louise Strong, Genevieve Taggard, Ethel Turner.

Charles A. Wagner, Eda Lou Walton, Harry F. Ward, Orson Welles, Chandler Whipple, Maurine Whipple, Charles Erskine Scott Wood, Richard Wright, Victor A. Yakhontoff, Louis Zara.

EXHIBIT No. 10

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

RETURN THIS APPLICATION, WITH FEE, TO BOARD OF EXAMINERS, 110 LIVINGSTON ST., BROOKLYN 2, N. Y. N.R. Cover every item carefully on each application, giving complete details asked for even if you have previously applied for the same license or any other license. Failure to do this may, in itself, be considered ground for refusal of license. A separate application must be filed for each rank and for each subject of license. Applicants will be bound by all conditions set forth in the official announcement of the examination, a copy of which should be obtained by every applicant.

. BOARD OF EDUCATION OF THE CITY OF NEW YORK—THE BOARD OF EXAMINERS

APPLICATION FOR LICENSE AS

File Number

Give the number, if any, as recorded in the Record Division of the Board of Education.

1 year out of 100

SUBJECT, as mathematics, health education; of TYPE OF CLASS,
as night conversation, cardometric)

(LEVEL, as day elementary, evening high, etc.)

STUDENT TEACHERS

OE for license as ...

School Clerk

(Use this line only when applying for positions other than that of teacher, as psychologist, attendance officer, etc.)

Date September 8, 1952

Name Berke
Print Last Name

Sylvia

Kelley

Male or female? Female

By what other name, if any, have you been known? Sylvia Beckwith Chapman (legally)
Divorced? (Yes or no) No
(If "yes," attach written statement.)

8/15/47 Sylvia Nartasin
(Give date of marriage and children name)

31 Date of birth 12 10 20
Month Day Year

Permanent address 1543 Leland Ave. Bx 60 NY
(For city addresses, include borough and postal district number; give complete post office address)

Temporary address (until _____)

LEAVE THIS SPACE BLANK

LEAVE THIS SPACE BLANK

Registry No. _____

Are you a citizen of the U.S.? Yes If not, are you a declarant?

Draft classification _____ Social Security No. 115-25-90
(Give all classifications)

3. Is your claim preference (1) as a disabled U.S. veteran? _____ (2) as a non-disabled U.S. veteran? _____

Answer questions 1 to 7a by "Yes" or "No." If the answer is "Yes" a written explanation should be attached to this application.

1. Have you ever been not NO 2. Have you ever been discharged or required to resign from any position? NO 3. Have charges ever been preferred against you? NO 4. Have you ever resigned as an alternative to a discharge or resignation? NO 5. Have you ever been discharged or required to resign from any position on the ground of insufficiently meritorious or unsatisfactory record? NO 6. Are you now, or have you ever been affiliated with any organization or group endorsing the Communist, Fascist, or Nazi movements? NO 7a. Have you taken a chest X-ray examination under the direction of the Board of Examiners or the Board of Education? NO 7b. If so, when? 1942 7c. If you were a teacher when you took the X-ray, was the X-ray taken at the school you were in? NO Date of last physical examination for teacher: NO

The following lines are to be left blank by the applicant, who will continue application on the next page.

BC X-Ray	Col Courses	Ph. C V. C	Exp. Age	El Ch	Sign.
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Writ Test _____

	RATINGS	MAX. VERFD	SUMM. BY	DATE
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19

Micro: 4

Oral Eng. 19

[illegible]

Record	Training and Experience	19
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Final Exam No. _____

Recommended for license _____

Refused because of no information available

1. The following information is being provided to you for your information only. It is not intended to be used for any other purpose. It is not intended to be used for any other purpose. It is not intended to be used for any other purpose.

(Secretary, Board of Examiners) (for Superintendent of Schools)

NOTE: If more space is needed to supply fully the information sought on this and the next page, attach a sheet or sheets of plain, commercial-size stationery (8 1/2" x 11"), heading each sheet with your name and license sought. Add additional information under appropriate headings.

Other applications made for licenses in the N. Y. C. School System:

(List the three most recent publications)

1 _____ (What mode)
2 _____ (What mode)
3 _____

EDUCATIONAL AND PROFESSIONAL TRAINING

SCHOOLS ATTENDED; DEGREES HELD

(Postgraduate and extension courses are not to be included in this tabulation.)

[illegible]

COURSES

List only those specific sources which are needed to establish your eligibility, following the same sequence as contained in the circular of announcement under the heading "Preparation."

Institution (See memo at top of page.)	Catalog No.	Name of Course	*Semester Hours	Dates
		Education		
		Content		

1A semester hour is equivalent to one clock hour per week for 15 weeks. (This definition is based on the assumption that, in general, a semester consists of 15 weeks.)

EXPERIENCE

N.B.—The data furnished on this page shall be listed in inverse chronological order and must leave no gaps in your record of professional experience of your business or trade employment. If your references are relatives, indicate relationship.

A. EXPERIENCE IN SCHOOLS

Name or Number and Address of School	From	To	Kind	Subjects	Hrs. per Day	Days per Year	Name, address and position of supervisor
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							

* Mark religious experience R; regular teaching T; average 10-12 years experience T.S.; laboratory exp. L.A.; (short) term L.L.; summer school courses S.S.; Works Progress Administration Service W.P.A.; War Relocation Training Program W.L.T.P.; administration work ADM; supervisory work SUP; where service was voluntary (unpaid service) mark V.

B. EXPERIENCE OTHER THAN IN SCHOOLS

(Months in full your employment leaving no gaps)

(PRINT) Employer's Name and Address (State Relationship, if any.)	Capacity in Which Employed	Dates		Hours per Week	Weeks per Year
		From	To		
1. General Screw Spinning Co. Grand St., N.Y.C.	Bookkeeper	Nov '51	June '52	20	52
2. Counselor. C.A.M.D. FARRINGTON, New Brunswick	COUNSELOR	various instances	1951	90	8
3. Local 65- Astor Pl. New York, N.Y.	Cashier-Clerk	June '48	April '49	40	52
4. VETERAN'S ADMINISTRATION BRAY, N.Y. N.Y.	INSURANCE CLERK	Sept '45	MAY '46	40	52
5. FRA TEL-RADIO Co. NEWARK, N.J.	RADIO REPAIR	Nov '38	Aug '45	48	52
6. FT. MONMOUTH, N.J.	ALTERATE School LAB WORKER	Sept '42	Oct '44	48	52
7. INTERSTATE Home Equip Co. Bx - N.Y.	Typist, Bookkeeper gen. of office work	Sept '40	Sept '45	48	52
8.					

C. MILITARY SERVICE

	D. PERIODS OF UNEMPLOYMENT (List here the dates of all periods of unemployment)			
	From	To	From	To
1. DATE OF ENTRANCE				
2. DATE OF DISCHARGE				
3. WERE YOU HONORABLY DISCHARGED?				

1. Have you ever by word of mouth or in writing illegally, willfully, and deliberately advocated, advised, or taught the doctrine that the government of the United States of America or of any state or of any political subdivision thereof should be overthrown or overturned by force, violence, or any unlawful means? No If your answer is in the affirmative, state the facts below.

2. Have you ever printed, published, edited, issued, or sold any book, paper, document, or printed matter in any form containing or advocating, advising or teaching the doctrine that the government of the United States or of any state or of any political subdivision thereof should be overthrown or overturned by force, violence, or any unlawful means, or have you ever advocated, advised, taught, or embraced the duty, necessity, or propriety of adopting the doctrine contained therein? No If your answer is in the affirmative, state the facts below.

3. Have you ever organized or helped to organize or become a member of any society or group of persons which teaches (or taught) or advocates (or advocated) that the government of the United States or of any state or of any political subdivision thereof should be overthrown or overturned by force, violence, or any unlawful means? No If your answer is in the affirmative, state the facts below.

4. Do you now give sincere support and do you now affirm that you will give sincere support, in and out of the classroom, to the doctrine that political or economic changes in this country are properly to be effected only by orderly constitutional processes, expressing the will of the majority, and not by force, violence, or any unlawful means? Yes If your answer is in the negative, state the facts below.

5. Do you subscribe unqualifiedly to the principle that a teacher should not use the classroom for the purpose of propaganda or ideas or policies that are inconsistent with the doctrine stated in the preceding question? Yes If your answer is in the negative, state the facts below.

AFFIDAVIT

STATE OF NEW YORK, CITY OF NEW YORK, COUNTY OF QueensSylvia C. Burke

(Your full name)

being duly sworn, deposes and states

1. That she is the undersigned applicant for tenure in the public schools of The City of New York;

2. THAT SHE HAS MADE AND SUBSCRIBED TO THE STATEMENTS IN THE FOREGOING APPLICATION, TRUTH TO THE BEST OF HIS (OR HER) KNOWLEDGE AND BELIEF. SHE HAS SUBMITTED TRUTHFUL, CORRECT AND ACCURATE STATEMENTS, AND THAT SUCH STATEMENTS ARE TRUE ACCORDING TO HER (OR HIS) INFORMATION AND BELIEF.

(Signature of Applicant)

Sylvia Burke

(Sign name in full)

Sworn to before me this

10

day of

April1946James G. Long
Notary Public

CHANGE IF AFFIDAVIT IS TAKEN ELSEWHERE.

THIS APPLICATION IS INVALID UNLESS SWORN TO.

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HEARING
BEFORE THE
PERMANENT SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS
FIRST SESSION
PURSUANT TO
S. Res. 40

PART 5

DECEMBER 15, 1953

Printed for the use of the Committee on Government Operations



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ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

TUESDAY, DECEMBER 15, 1953

UNITED STATES SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
New York, N. Y.

The subcommittee met (pursuant to S. Res. 40, agreed to January 30, 1953) at 10:30 a. m., in room 619, United States courthouse, Foley Square, Senator Joseph R. McCarthy (chairman of the subcommittee) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Roy M. Cohn, chief counsel; Francis P. Carr, executive director; and Daniel G. Buckley, assistant counsel.

The CHAIRMAN. May I say before we start this morning that there has been some confusion, a great number of questions asked, as to whether or not this committee has the function of proving espionage, as we are dealing with that subject. We do not feel it is a function of the committee to take over the job of the Justice Department and prove espionage cases beyond a reasonable doubt. We feel it is sufficient to prove espionage, potential espionage, to a sufficient degree so as to convince security officers of the various establishments.

In the course of that, it becomes more and more clear that, at least up until the first of this year there apparently was little or no concern for the security of our secrets. I may say, just so this will not be interpreted as an attack upon Secretary Stevens or those who are now in charge, they have been cooperating fully with us, and I think are just as concerned as we are about the very, very unusual picture that is unfolding. More important, they are doing something about it.

Who is your first witness, Mr. Cohn?

Mr. COHN. Mrs. Hutner.

Mr. RABINOWITZ. May we have instruction to the photographers as you instructed yesterday. It is very distracting to the witness and to me to have the flashlights popping. If they want to take photographs there will be plenty of opportunity out in the hall. May I request a direction for all of the clients I represent today.

The CHAIRMAN. Does that include prior to the testimony or just during the testimony?

Mr. RABINOWITZ. I would like it prior to the testimony, too.

The CHAIRMAN. Your witness is entitled to that. No flash pictures of the witness will be taken. That is, of course, within the courtroom.

Will you raise your right hand. In this matter in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. HUTNER. I do.

TESTIMONY OF MRS. ELEANOR HUTNER, ACCOMPANIED BY HER COUNSEL, VICTOR RABINOWITZ

The CHAIRMAN. Mrs. Hutner, would you give your full name for the record?

Mrs. HUTNER. I would first like to read a statement objecting to the jurisdiction of this committee.

The CHAIRMAN. First give us your name.

Mrs. HUTNER. My name is Eleanor Hutner.

The CHAIRMAN. Before you read the statement, may I ask you was your statement by any chance prepared by a member of the Communist Party?

Mrs. HUTNER. I wrote the statement myself. In regard to whether or not I am a member of the Communist Party, I refuse to answer that question on the fifth amendment.

The CHAIRMAN. You may read the statement.

Mrs. HUTNER. I object to the jurisdiction of this committee on the following grounds:

On October 15—

The CHAIRMAN. It is your sworn testimony that you prepared this statement yourself, that no member of the Communist Party helped you or advised you in the preparation of the statement?

Mrs. HUTNER. I refuse to answer that question on the grounds of the fifth amendment. I said that I wrote it.

The CHAIRMAN. We will not hear the statement then. I will hear no statement that was prepared by a member of the Communist Party.

Mrs. HUTNER. I did not state that this was prepared by a member of the Communist Party.

The CHAIRMAN. Perhaps I misunderstood you.

Mrs. HUTNER. I prepared this statement myself without any advice from anybody. May I read the statement?

The CHAIRMAN. May I say that the rule of the committee is that a statement must be presented 24 hours ahead of time. However, I can see no objection to your reading the statement. Let us have this clear, however, again: It is your sworn testimony that no member of the Communist Party either advised you in the writing of the statement or helped you to write it. Is that correct?

(The witness conferred with her counsel.)

The CHAIRMAN. Do you have some difficulty answering the question?

Mrs. HUTNER. I think you are distorting what I said. I said that I wrote it myself, it is my sworn testimony that I wrote it myself, without the advice of anybody. That is a general inclusive statement. If you are going to—well, that is all.

The CHAIRMAN. Without the advice or help of anybody?

Mrs. HUTNER. Yes.

I object to the jurisdiction of this committee on the following grounds: October 15, I appeared at the closed executive session of this committee. Subsequently my name and other information were given to the newspapers. I would like to set the record straight on certain facts that were either omitted or distorted.

I worked at Fort Monmouth from June 1942 to December 1943, having received my appointment through a civil-service examination. My assignment required no technical training and I had no access to

confidential or secret material. My department worked on standard equipment and had no connection with radar.

Subsequently, I became a social worker and was employed in this capacity for 8 years.

The circumstances of my leaving my last employment were falsely reported, although the record was clear in my testimony. I gave official notice of my voluntary resignation—

The CHAIRMAN. You said you are going to object to the jurisdiction of the committee.

Mrs. HUTNER. Yes.

The CHAIRMAN. In such an objection we will not hear any speech from you unless you first tell us whether you are a member of the Communist Party. If you want to object to the jurisdiction of the committee we are interested in hearing the objection.

Mrs. HUTNER. This is part of my objections to the committee.

The CHAIRMAN. We will not hear your statement, then. Proceed, Mr. Counsel.

Mr. RABINOWITZ. May I have just a moment on this, sir?

(The witness conferred with her counsel.)

Mrs. HUTNER. I would like to state in the record that I feel that this does not have a bearing on the jurisdiction, because it is in relation to the content, which is what I am questioning, the purpose of this inquiry.

The CHAIRMAN. Proceed with your questioning, Mr. Counsel.

Mr. COHN. Mrs. Hutner, did you ever work at Fort Monmouth?

Mrs. HUTNER. Yes; I did.

Mr. COHN. When?

Mrs. HUTNER. I worked there from June 1942 to December 1943.

Mr. COHN. Were you married at that time?

Mrs. HUTNER. No; I was not.

Mr. COHN. What was your maiden name?

Mrs. HUTNER. My maiden name was Eleanor Glassman.

Mr. COHN. G-l-a-s-s-m-a-n?

Mrs. HUTNER. That is correct.

Mr. COHN. That is the name under which you were employed at Fort Monmouth?

Mrs. HUTNER. That is correct.

Mr. COHN. What did you do?

Mrs. HUTNER. My official title was a junior professional assistant.

Mr. COHN. What were your duties?

Mrs. HUTNER. My duties were to work as an assistant to engineers in certain routine matters of compiling the specifications and lists of spare parts that were involved in standard equipment at the Signal Corps.

Mr. COHN. Involving Signal Corps equipment; is that right?

Mrs. HUTNER. In some of the Signal Corps equipment.

Mr. COHN. Some of it?

Mrs. HUTNER. That is right.

Mr. COHN. Was any of that equipment connected with radar?

Mrs. HUTNER. Not to my knowledge.

Mr. COHN. Do you know one way or the other?

(The witness conferred with her counsel.)

Mrs. HUTNER. I am pretty sure that it wasn't.

Mr. COHN. With what did that equipment deal?

Mrs. HUTNER. It dealt with standard items such as flashlights, telephones, radio receivers, bags to hold certain equipment, and so on.

Mr. COHN. Did the radio receivers involve radar?

Mrs. HUTNER. No. They were standard radio receivers. This is why I say that I am pretty sure. I don't know what is involved in radar.

Mr. COHN. Of course you don't, Madam, and if you have facts to give us we would be interested in that. But we don't want conjecture. If you don't know one way or the other about—

Mrs. HUTNER. It isn't conjecture to say that I worked on a standard radio receiver which was known or available to the public.

Mr. COHN. What else did you work on?

Mrs. HUTNER. Well, I can't recall the items that were involved. The departments I worked in were the specifications department, where they wrote the tests that these standard equipment had to meet and these were then included in the manuals that were sent to some of the soldiers and I helped in seeing that the language was clear and making sure that some of the items were included. It was all very routine.

Mr. COHN. Did you ever have access to any classified material?

Mrs. HUTNER. No; I did not.

Mr. COHN. Are you sure you did not? Are you sure you did not? (The witness conferred with her counsel.)

Mrs. HUTNER. Would you explain what you mean by classified material?

Mr. COHN. Madam, you are giving categorical answers to matters here, and I want to make sure you understand what you are saying under oath.

Mrs. HUTNER. That is why I am asking you.

Mr. COHN. Classified matter would be nonpublic matter, matter which is classified which the Department of Defense or the Department of the Army or the Signal Corps, either restricted, confidential, secret, or top secret, which is not available to public view. The records in your file indicate you did have access to classified material.

Mrs. HUNTER. May I amend my answer? I didnt understand your question.

Mr. COHN. Very well.

Mrs. HUTNER. All material at Fort Monmouth, I mean any material—even a bag or any item that might be known to the public was marked "Restricted" and you needed no special clearance or no special permission to handle those documents; this was something that anyone who worked at Fort Monmouth was able to handle. This material naturally, since I worked at Fort Monmouth, I could handle. Any other material beyond restricted classification, I did not handle.

The CHAIRMAN. Did you need a pass to get into the plant?

Mrs. HUNTER. Yes. Everyone—you had a pass with your picture that you had.

The CHAIRMAN. And what did it say on the pass?

Mrs. HUNTER. I dont remember the exact statement of the pass at this point.

The CHAIRMAN. You don't remember whether it said "Cleared for secret," "Cleared for confidential," "Cleared for restricted"?

Mrs. HUTNER. I don't remember what it said.

The CHAIRMAN. Do you know whether you had been cleared to handle secret or confidential material?

Mrs. HUTNER. I don't know.

The CHAIRMAN. You don't know?

Mrs. HUTNER. No.

The CHAIRMAN. No idea at all?

Mrs. HUTNER. No; no idea.

The CHAIRMAN. You said you worked on flashlights and radio sets. What else did you work on?

Mrs. HUTNER. Telephones and the parts that go into telephones.

The CHAIRMAN. Go ahead.

Mrs. HUTNER. I don't remember.

The CHAIRMAN. Well, did you work on a great variety of material? You have named three different items.

Mrs. HUNTER. Well, you see if we take an item like a radio receiver, which is a standard item, there are many parts that go into these radio receivers. Now, I can't remember all the parts, but in listing the spare parts that are sent along with that, you include every tube, every wire, every condenser, or whatever else goes into it, so that a great variety of items may be handled although they are all part of this standard radio receiver.

The CHAIRMAN. I understand that you say that there is nothing else you worked on.

Mrs. HUTNER. I said I couldn't remember other items; no.

The CHAIRMAN. Do you recognize what you worked on? Let me phrase it this way: I am not asking you to try to remember every little piece of equipment that you handled. I am asking you whether or not you worked on items other than radio and radio parts, flashlights, telephones, et cetera.

Mrs. HUTNER. Nothing that would fall outside those general categories.

The CHAIRMAN. How about general categories?

Mrs. HUTNER. Well, I can't answer the question since I can't recall all the matters I worked on. If you mention an item, I will try to recall whether or not I worked on it.

The CHAIRMAN. I wasn't with you, lady.

Mrs. HUTNER. Well, I think you know what goes on at Fort Monmouth and what they handled.

The CHAIRMAN. You actually handled parts that went into radar equipment, did you not?

(The witness conferred with her counsel.)

The CHAIRMAN. Did you or did you not?

Mrs. HUTNER. If any of these standard items were included in radar, then that part of the question has to be answered yes. I did not knowingly work on equipment that was part of a radar outfit or to be used to my knowledge in radar.

The CHAIRMAN. Was the general public allowed to come into the plant where you were working?

Mrs. HUTNER. In general, no. I don't know if there were ever tourists coming in or whether people were allowed in.

The CHAIRMAN. I am not talking about tourists. Was the general public barred from that plant? Were there guards at the gate so that only people with clearance could get in?

Mrs. HUTNER. Yes.

Mr. COHN. When you were working there, were you a member of the Communist Party?

Mrs. HUTNER. I refuse to answer that question on the grounds of the fifth amendment.

Mr. COHN. Were you a member of the Communist cell with Julius Rosenberg?

Mrs. HUTNER. I refuse to answer that question.

Mr. COHN. Did you know Julius Rosenberg at that time? I am sorry, would you state the grounds upon which you predicate the refusal?

Mrs. HUTNER. The fifth amendment states that no person shall be compelled to be a witness against himself.

Mr. COHN. Did you know Julius Rosenberg at that time?

Mrs. HUTNER. I refuse to answer that question.

The CHAIRMAN. May I inform counsel, I am not going to continue coaching his client. Unless she refuses on the basis of self-incrimination, I will have her case presented for contempt.

Mr. COHN. You are a sister of Vivian Glassman?

Mrs. HUTNER. Yes.

Mr. COHN. Was Vivian Glassman employed at Fort Monmouth at that time?

Mrs. HUTNER. Yes, she was.

Mr. COHN. Was she a member of the Rosenberg spy ring at that time?

Mrs. HUTNER. I refuse to answer that question.

The CHAIRMAN. You are ordered to answer it.

Mrs. HUTNER. I refuse to answer it under the fifth amendment.

Mr. COHN. Did Julius Rosenberg assist you in obtaining employment with the Signal Corps?

(The witness conferred with her counsel.)

Mrs. HUTNER. My employment at the Signal Corps was obtained through a civil-service examination and nobody assisted me in getting that job.

Mr. COHN. Did you discuss going to work at the Signal Corps with Julius Rosenberg?

Mrs. HUTNER. I refuse to answer that question.

The CHAIRMAN. You are ordered to answer it.

Mrs. HUTNER. I refuse to answer it under the fifth amendment.

The CHAIRMAN. You are refusing on the grounds that if you were to answer the question the answer would tend to incriminate you?

(The witness conferred with her counsel.)

Mrs. HUTNER. The fifth amendment states that no person may be compelled to be a witness against himself.

The CHAIRMAN. And that is the ground on which you are refusing?

Mrs. HUTNER. That is the ground upon which I am refusing.

The CHAIRMAN. You are entitled to refuse.

Mr. COHN. Did Julius Rosenberg suggest to you that you go to work at the Signal Corps lab?

Mrs. HUTNER. I refuse to answer that question.

Mr. COHN. While working at the Signal Corps, were you a member of a Communist cell of which other members were Julius Rosenberg and your sister, Vivian?

Mrs. HUTNER. I refuse to answer that question.

Mr. COHN. Have you ever been a member of any group which teaches or advocates the overthrow by force, violence, or any unlawful means of the Government of the United States?

Mrs. HUTNER. I refuse to answer that question.

Mr. COHN. Now Madam, I would like to show you an application which you filed for employment with the board of education of the city of New York. It is an application which we have subpoenaed, Mr. Chairman.

Is that your signature (shown document)?

Mrs. HUTNER. Yes, it is.

Mr. COHN. Did you give a truthful—

Mrs. HUTNER. May I read this, please, so I am familiar with it?

Mr. COHN. Yes, surely. Read the whole thing.

(The witness conferred with her counsel.)

Mrs. HUTNER. Do you want this back?

Mr. COHN. Yes.

The CHAIRMAN. Since you appeared before the committee in executive session and refused to tell whether you were a Communist, were you discharged by the New York Board of Education?

Mrs. HUTNER. No.

The CHAIRMAN. Are you still working?

Mrs. HUTNER. I resigned from the board of education. I gave official notice of my resignation in May and June of this year. I stayed on beyond June by arrangement with the administration in order to finish my work. I finished my work the first week in October, which, by coincidence, occurred a week before this committee started its hearings. I think that there is an effort to distort the facts under which I left. I was not discharged, I stated before and I state now under oath I left voluntarily for personal reasons.

The CHAIRMAN. So the record will be clear, the first hearing was on August 31. Did you leave after you were subpoenaed? Did you quit your job at the board of education after you were subpoenaed?

Mrs. HUTNER. I gave notice in June. I don't understand what you mean by leave.

The CHAIRMAN. Did you quit your job after you were subpoenaed? You said you gave notice in June that you were staying on until your work was completed. Was it completed after you were subpoenaed or before you were subpoenaed?

Mrs. HUTNER. The last day of my employment came about 2 days after I received the subpoena.

Mr. COHN. At the time you were subpoenaed by the committee, what was your title with the New York City Board of Education?

Mrs. HUTNER. School social worker.

Mr. COHN. School social worker?

Mrs. HUTNER. That is right.

Mr. COHN. What were your duties?

Mrs. HUTNER. I was employed in the Bureau of Child Guidance.

Mr. COHN. The Bureau of Child Guidance?

Mrs. HUTNER. That is right, which is a part of the board of education.

Mr. COHN. What were your duties?

Mrs. HUTNER. My duties as school social worker were to work with the teachers, parents and children who were referred to us because of their emotional difficulties in school or at home.

Mr. COHN. Were you a member of the Communist Party at that time?

Mrs. HUTNER. I refuse to answer it under the fifth amendment.

Mr. COHN. For how long a period of time had you been employed by the New York Board of Education?

Mrs. HUTNER. Well, I was first employed there from September 1949—I want to get my dates straight. Yes, September 1949 to May 1950. I had taken a civil service examination and was regularly appointed under a license as school social worker. I worked there for 10 months and I resigned at that time to take another position. Later I returned to the board of education as a substitute social worker. This was in February of 1951. No, 1952. February 1952.

Mr. COHN. And you remained in that position until the month before last?

Mrs. HUTNER. Yes; that is right; until October.

Mr. COHN. And then your final day was about two days after you received the subpoena?

Mrs. HUTNER. That is right.

Mr. COHN. You didn't go back after that?

Mrs. HUTNER. No.

Mr. COHN. On another application you filed with the board of examiners of the Board of Education of the City of New York—I would like to show it to you. We have also subpoenaed this, Mr. Chairman. I am going to ask, Mr. Chairman, that both of these be received in the record. I would like to examine particularly question No. 8, which says, "Are you now or have you ever been affiliated with any organization or group endorsing the Communist, Fascist or Nazi movements," and your answer of no. I would like for you to address yourself to that.

Mr. RABINOWITZ. Can we ask that the pictures not be taken in accordance with the chairman's instructions?

The CHAIRMAN. The cameramen are ordered not to take any pictures.

Mr. COHN. Have you examined that application?

Mrs. HUTNER. Yes, I have.

Mr. COHN. Were you telling the truth when you answered that question no, the question of "Are you now or have you ever been affiliated with any organization or group endorsing the Communist, Fascist or Nazi movement"?

Mrs. HUTNER. I refuse to answer that.

Mr. COHN. Are you refusing to answer whether or not you were telling the truth when you swore to this application?

Mrs. HUTNER. That is what I just said.

The CHAIRMAN. May we have the record clear. No. 1, counsel has been identified, has he, Mr. Reporter? No. 2, the witness is informed that if she does not state the grounds for refusal, the Chair has no alternative but to assume that she has no grounds. She is now given the blanket order to answer every question that counsel asks her unless she states in each instance that the answer may tend to incriminate her. Or the other language of the fifth amendment. She can use whatever she cares to.

Mr. COHN. On what grounds do you refuse to tell us?

Mrs. HUTNER. On the grounds that no person may be compelled to be a witness against himself.

Mr. COHN. Was the statement made in the other application I just read to you, to the effect that you had never organized, helped to organize or become a member of any society or group of persons which teaches or advocates the overthrow of the Government of the United States by force, violence or any unlawful means, your answer of no to that question, was that a truthful answer?

Mrs. HUTNER. I make the same answers to this as I did to the previous questions.

Mr. COHN. Repeat the answer, please.

Mrs. HUTNER. I refuse to answer this question on the grounds that no witness may be compelled to give testimony against herself.

The CHAIRMAN. So we will have the dates, the second document is dated October 21, 1948, and the first document is dated—

Mr. COHN. It was filed on October 21, 1948, and the license was issued on August 31, 1949. The first document is June 20, 1947. The first document is the one wherein Eleanor Glassman swore that she had never organized, helped to organize or become a member of any group teaching or advocating the overthrow of the Government of the United States by force or violence; and the second one, the 1948 one contains the sworn statement that she was not and had never been affiliated with any organization or group endorsing the Communist, Fascist, or Nazi movement.

Mr. Chairman, I would suggest that we subpoena all applications filed in connection with this witness' employment by the board of education to ascertain whether or not the statute of limitations has run against false statements made on those applications.

The CHAIRMAN. I think it is an excellent idea, Mr. Cohn. The documents will be received in evidence.

(The documents referred to above were marked "Exhibit Nos. 11 and 12" and will be found in the appendix on pp. 224-228.)

Mr. COHN. Did you obtain your position with the New York Board of Education by false pretenses, by lying in these cases?

Mrs. HUTNER. I refuse to answer that question on the grounds that a person cannot be compelled to testify against himself.

Mr. COHN. At all times when you were with the New York Board of Education and doing child guidance work, were you a member of the Communist Party?

Mrs. HUTNER. I refuse to answer that question on the grounds of the fifth amendment.

Mr. COHN. Are you a member of the Communist Party today?

Mrs. HUTNER. I refuse to answer that question on the grounds of the fifth amendment.

Mr. COHN. Were you a member of the Communist Party at all times while you were employed at Fort Monmouth by the Signal Corps?

Mrs. HUTNER. I refuse to answer that question on the grounds of the fifth amendment.

Mr. COHN. Where do you reside, Madam?

Mrs. HUTNER. At 144 Henry Street, in Brooklyn.

Mr. COHN. What is your husband's name?

Mrs. HUTNER. His name is Eugene Hutner.

Mr. COHN. Hutner?

Mrs. HUTNER. That is right.

Mr. COHN. Is he a member of the Communist Party?

Mrs. HUTNER. I refuse to answer that question.

Mr. COHN. What is his occupation?

Mrs. HUTNER. He is a teacher.

Mr. COHN. Where does he teach?

Mrs. HUTNER. He teaches art at Morris High School.

Mr. COHN. In New York?

Mrs. HUTNER. In New York.

The CHAIRMAN. I believe you have answered this question, but I am not sure. What was the date of your last employment with the Signal Corps?

Mrs. HUTNER. I believe it was early December 1953—1943, I am sorry.

The CHAIRMAN. 1943.

Mrs. HUTNER. Yes.

The CHAIRMAN. Have you been in contact with any members of the Communist Party at Fort Monmouth since you left there?

Mrs. HUTNER. I refuse to answer that question on the grounds of the fifth amendment.

The CHAIRMAN. Have you, within the past year, been in contact with any one known to you to be a member of the Communist Party, who is working at the Signal Corps laboratories at Fort Monmouth?

(The witness conferred with her counsel.)

Mr. RABINOWITZ. Would you repeat the question?

The CHAIRMAN. The reporter will read it.

(The reporter read from his notes as requested.)

Mrs. HUTNER. I would like to state that I have been in touch with nobody who is employed at the Fort Monmouth Signal Laboratory in the past year, and I believe that covers the question you asked.

The CHAIRMAN. How far back would that go? When was the last time you were in touch with anyone who is working at Fort Monmouth?

(The witness conferred with her counsel.)

Mrs. HUTNER. I can't give a definite date. To the best of my knowledge, it is the last few years. But I wouldn't say definitely as to when was the last time.

The CHAIRMAN. Have you ever discussed with any members of the Communist Party the work that you were doing at Fort Monmouth?

Mrs. HUTNER. I refuse to answer that question under the fifth amendment.

The CHAIRMAN. Have you ever discussed with members of the Communist Party any of the classified work you were doing at Fort Monmouth?

Mrs. HUTNER. I am sorry, I don't understand the difference between this question and the one before.

The CHAIRMAN. Do you understand this question?

Mrs. HUTNER. No. Would you explain this one to me?

The CHAIRMAN. Would you read the question to the witness?

(The reporter read from his notes as requested.)

Mrs. HUTNER. I refuse to answer that question on the grounds of the fifth amendment.

The CHAIRMAN. Did you know a Mr. Harry Hyman?

Mrs. HUTNER. I refuse to answer that question under the fifth amendment.

The CHAIRMAN. When was the last time you discussed with Hyman his work?

Mrs. HUTNER. I refuse to answer that question under the fifth amendment.

The CHAIRMAN. Harry Hyman has been identified as an undercover espionage agent for the Communist Party. This committee has put into the record a vast number of phone calls that he has made not only to Fort Monmouth but to other Government installations handling secret material within the past few months. He has been identified with you and some of your friends also. Is it not a fact that Hyman has been in your home, he has discussed these phone calls, and that some of the phone calls were actually made from your home, to some of the secret Government installations?

(The witness conferred with her counsel.)

Mrs. HUTNER. It seems to me there are a number of different questions contained in that. If you would ask them separately, I will give you separate answers.

The CHAIRMAN. All right.

Do you know Harry Hyman?

Mrs. HUTNER. I refuse to answer that question on the grounds of the fifth amendment.

The CHAIRMAN. Do you know that Hyman has been engaged in espionage?

(The witness conferred with her counsel.)

Mrs. HUTNER. I had no personal knowledge on that subject at all.

The CHAIRMAN. Did you ever discuss espionage in his presence?

(The witness conferred with her counsel.)

The CHAIRMAN. Did he ever discuss espionage in your presence?

Mrs. HUTNER. I refuse to answer that question under the fifth amendment.

The CHAIRMAN. You are ordered to answer the question.

Mrs. HUTNER. I refuse to answer that question under the fifth amendment.

The CHAIRMAN. So that the witness will be excused from claiming at some future proceeding that she did not understand the reason for the order, she has made the statement that she had no knowledge that Hyman was engaged in espionage. Therefore, she has waived the fifth amendment purposes insofar as Hyman's espionage activities are concerned. For that reason she has no fifth-amendment privilege and she is asked the question of whether or not Hyman discussed espionage in her presence. You are ordered to answer the question.

Mrs. HUTNER. I refuse to answer it on the ground that no person may be compelled to be a witness against himself.

The CHAIRMAN. You may step down.

You are instructed that you are under continuing subpoena. You will be notified, or your counsel will be notified when you are wanted back before the committee.

Mr. COHN. Mr. Pataki.

The CHAIRMAN. Will you raise your right hand and be sworn. In this matter now in hearing before the committee, do you solemnly

swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PATAKI. I do.

**TESTIMONY OF ERNEST PATAKI, ACCOMPANIED BY HIS COUNSEL,
VICTOR RABINOWITZ**

Mr. COHN. May we have your full name?

Mr. PATAKI. Ernest Pataki.

Mr. COHN. Spell your last name.

Mr. PATAKI. P-a-t-a-k-i.

Mr. COHN. Where do you reside, sir?

Mr. PATAKI. I would like to read a statement, if I may.

Mr. COHN. Just give us your address for the record.

Mr. PATAKI. 343 East Eighth Street.

Mr. COHN. 343 East Eighth Street.

Mr. PATAKI. Yes.

The CHAIRMAN. Does the statement involve the jurisdiction of the committee?

Mr. PATAKI. Yes.

The CHAIRMAN. You may read it.

Mr. PATAKI. I object to the jurisdiction of this committee on the following grounds:

First, the committee has no jurisdiction over the subject matter of the inquiry. Two, there is no proper legislative purpose of this inquiry. Three, there is no quorum of the committee present.

The CHAIRMAN. The objection will be overruled.

You may proceed, Mr. Counsel.

Mr. COHN. Mr. Pataki, have you ever worked for the Federal Telecommunication Laboratory?

Mr. PATAKI. Yes.

Mr. COHN. When?

Mr. PATAKI. From June 1944 to August 1950.

Mr. COHN. June 1944 to August 1950. While there, were you working on Army Signal Corps and other Government material?

Mr. PATAKI. Yes.

Mr. COHN. Were you working on classified material?

Mr. PATAKI. I believe so.

Mr. COHN. And while you were working there, were you a member of the Communist Party?

Mr. PATAKI. I refuse to answer that under the fifth amendment.

Mr. COHN. While you were working there, were you engaged in espionage?

Mr. PATAKI. I refuse to answer that under the fifth amendment.

Mr. COHN. Where did you go after you left the Federal Telecommunications Laboratory?

Mr. PATAKI. I worked for various television companies. I worked for a technical trade school, for radio servicemen, and then I became an instructor of engineering.

Mr. COHN. Are you currently employed as an instructor of engineering?

Mr. PATAKI. Yes.

Mr. COHN. Where?

Mr. PATAKI. Cooper Union.

Mr. COHN. Are you a member of the Communist Party today?

Mr. PATAKI. I refuse to answer that under the fifth amendment.

Mr. COHN. Are you engaged in espionage today?

(The witness conferred with his counsel.)

Mr. PATAKI. No.

Mr. COHN. You are not engaged in espionage today.

Were you engaged in espionage last year?

Mr. PATAKI. No.

Mr. COHN. Were you engaged in espionage in 1952?

Mr. PATAKI. I was never engaged in espionage.

Mr. COHN. What was your answer to a question as to whether or not you were engaged in espionage when you were working at the Federal Telecommunications Laboratory?

Mr. PATAKI. I don't understand you. To whom?

Mr. COHN. I asked you a question a few moments ago as to whether or not you were engaged in espionage when you were working at the Federal Telecommunications Laboratory, and my recollection is you refused to answer and invoked the fifth amendment.

Mr. PATAKI. That is correct.

Mr. COHN. Was that a truthful answer?

(The witness conferred with his counsel.)

Mr. PATAKI. That was a refusal to answer.

The CHAIRMAN. Did you feel that your answer then would tend to incriminate you?

Mr. PATAKI. I refused under the fifth amendment which says that no person shall be compelled to be witness against himself.

Mr. COHN. Do you now stand on that answer?

Mr. PATAKI. Yes.

Mr. COHN. You refuse to tell us whether or not you were engaged in espionage when you were working for the Federal Telecommunications Laboratory?

Mr. PATAKI. The same answer as I gave before.

The CHAIRMAN. You are ordered to answer the question.

Mr. PATAKI. I give the same answer.

Mr. COHN. Would you repeat the answer?

Mr. PATAKI. I refuse under the fifth amendment.

The CHAIRMAN. You are ordered to answer the question.

Mr. PATAKI. Under the fifth amendment it says no person shall be compelled to be a witness against himself.

(The witness conferred with his counsel.)

The CHAIRMAN. You fifth amendment Communists and individuals that have been engaging in espionage are doing this country a great favor when you appear here and put yourself in contempt.

Mr. PATAKI. I didn't hear you.

The CHAIRMAN. You will be removed at least from a position where you can damage your country, if not for espionage which is very difficult to prove, you will be removed because of contempt before the committee.

Mr. COHN. Mr. Pataki, were you a member of the Rosenberg spy ring when you were working at the Federal Telecommunications Laboratory?

Mr. PATAKI. I refuse to answer that question under the fifth amendment.

The CHAIRMAN. You are ordered to answer the question.

Mr. RABINOWITZ. May I ask what the question is?

(The witness conferred with his counsel.)

Mr. RABINOWITZ. May I have just a moment on one aspect of this, Mr. Chairman?

(The witness conferred with his counsel.)

Mr. PATAKI. May I withdraw my answer to the question?

(The witness conferred with his counsel.)

The CHAIRMAN. You may proceed and explain if in your answer before the committee you were making a false statement.

Mr. RABINOWITZ. May the witness state—

Mr. PATAKI. May I state for the record what my answer would have been if I had been permitted to withdraw my answer?

The CHAIRMAN. You may make any statement you care to for the record.

(The witness conferred with his counsel.)

The CHAIRMAN. You can write it out for him, Counsel, if you care to.

Mr. RABINOWITZ. No; I don't want to.

The CHAIRMAN. I said you can write it out for him.

Mr. RABINOWITZ. This is a very complicated situation.

(The witness conferred with his counsel.)

Mr. PATAKI. In place of the answer I gave, "I never committed espionage," now I would like to plead the fifth amendment.

The CHAIRMAN. You will not be allowed to. You volunteered the information that you are not engaged in espionage. If you are perjuring yourself, then tell us. If not, the answer must stand.

Proceed, Mr. Counsel.

Mr. COHN. I think the record speaks for itself, Mr. Chairman, as it is now.

When you were working at the Federal Telecommunications Laboratory, were you in constant touch with Julius Rosenberg?

Mr. PATAKI. I refuse to answer that on the basis of the fifth amendment.

Mr. COHN. Was he a visitor at your home on frequent occasions?

Mr. PATAKI. I refuse to answer that on the basis of the fifth amendment.

Mr. COHN. Did you transmit for Julius Rosenberg money and documents to other members of the Rosenberg ring?

Mr. PATAKI. I refuse to answer that on the grounds of the fifth amendment.

Mr. COHN. Did you communicate with members of the Rosenberg ring concerning leaving the United States of America following Julius Rosenberg's arrest?

Mr. PATAKI. I refuse to answer that on the grounds of the fifth amendment.

Mr. COHN. Have you within the last 2 months been in communication with persons working at the Federal Telecommunications Laboratory on Communist Party matters?

Mr. PATAKI. I refuse to answer that on the grounds of the fifth amendment.

Mr. COHN. Did you organize a Communist cell at the Federal Telecommunications Laboratory?

Mr. PATAKI. I refuse to answer that on the grounds of the fifth amendment.

Mr. COHN. Do you know Harry Hyman?

Mr. PATAKI. I refuse to answer that on the grounds of the fifth amendment.

Mr. COHN. Did you and Harry Hyman engage in espionage at the Federal Telecommunications Laboratory?

Mr. PATAKI. I refuse to answer that on the grounds of the fifth amendment.

The CHAIRMAN. You will be ordered to answer the question.

Mr. PATAKI. I refuse to answer that on the grounds of the fifth amendment.

The CHAIRMAN. And, again, so the record will be clear, so you will understand the reasons for the Chair's order, when you volunteered the information that you had not engaged in espionage, you waived the fifth amendment as to that area. For that reason, you are ordered to answer counsel's last question. I assume you persist in your refusal?

Mr. PATAKI. I refuse under the fifth amendment under which no person can be compelled to testify against himself.

Mr. COHN. Have you within the last 2 months been in communication with members of the Communist Party working at Evans Signal Laboratory and Fort Monmouth?

Mr. PATAKI. I refuse on the grounds of the fifth amendment.

Mr. COHN. Mr. Chairman, we have been requested to ask this question: You are a naturalized citizen, is that correct, sir?

Mr. PATAKI. That is right.

Mr. COHN. When were you naturalized?

Mr. PATAKI. In 1944.

Mr. COHN. At that time were you a member of the Communist Party?

Mr. PATAKI. I refuse to answer that on the grounds of the fifth amendment.

Mr. COHN. I would ask that the record be referred to the Immigration and Naturalization Service.

The CHAIRMAN. It will be as you suggested.

Mr. COHN. I have no further questions.

The CHAIRMAN. Did you ever obtain classified material from anyone at Fort Monmouth and transmit that classified material on to anyone known to you to be a member of an espionage ring?

Mr. PATAKI. I refuse to answer that question on the grounds of the fifth amendment.

The CHAIRMAN. You are again ordered to answer for the reason that you have waived your fifth amendment privilege as to that question.

Mr. PATAKI. I refuse to answer under the fifth amendment under which no person can be compelled to testify against himself.

The CHAIRMAN. Did you ever obtain Government secrets, either by documents, material, or word of mouth, from any one working in

the Telecommunications Laboratory and pass that information on to an individual known to you to be an espionage agent?

Mr. PATAKI. I refuse to answer that question under the fifth amendment.

The CHAIRMAN. You are again ordered to answer for the reason that you have waived the fifth amendment privilege in that area.

Mr. PATAKI. I refuse under the fifth amendment.

The CHAIRMAN. You will consider yourself under continuing subpoena. May I ask counsel, we have had some difficulty in the past when we have called—I do not recall whether it was this counsel or not, but some of the attorneys—when we would call them and ask to have a witness appear who had been ordered to consider himself under continuing subpoena. The reason we have contacted counsel rather than the witness has been as a courtesy to the lawyers so they can arrange their work in accordance with that schedule. If that is not agreeable, we of course could very easily notify the witness and order him to appear. I would like to ask you at this time, is it agreeable to you, where your clients are concerned, that we contact you rather than the clients?

Mr. RABINOWITZ. It is entirely agreeable to me, if I get some sort of reasonable notice, and that does not mean a telegram at 4 o'clock to appear in Washington at 10 the next morning.

The CHAIRMAN. What would you consider reasonable notice? Twenty-four hours?

Mr. RABINOWITZ. Seventy-two hours. I may, if it is not impossible, agree to accept shorter notice. But I certainly have been, by this committee asked to appear, as I say, on overnight notice, and I don't consider that reasonable.

Furthermore, while I am willing to accept such notice from the committee for a reasonable period of time, I don't propose to do so for the rest of my life or the rest of my clients' lives, and I think there ought to be some termination date. If you want to make it a month, 2 months, 6 months, all right, but not forever.

The CHAIRMAN. I think you will have a termination date, all right.

Mr. RABINOWITZ. So may you, Senator.

The CHAIRMAN. That is possible.

Mr. Rabinowitz, I just discovered that there is no rule of the committee against taking pictures except when the witness is testifying. There being no such rule, the cameraman will be ordered not to take any pictures while the witness is testifying. Other than that, there is no rule.

Mr. RABINOWITZ. May I find where there are copies of these rules all together? I have never seen them, and if there are copies of the committee rules, I would like to see them.

Mr. COHN. They are a matter of public record, and they are available. I think we have a set in New York, and if not, we will have them mailed today.

Mr. RABINOWITZ. Thank you.

The CHAIRMAN. May we have order?

I may say in view of the fact that you are representing clients before this committee today, if you care to call Mrs. Ruth Young, the clerk of the committee, she will read the rules to you over the phone and you can take them down.

Mr. RABINOWITZ. I can wait until tomorrow.

May the witness be dismissed if he isn't testifying?

The CHAIRMAN. Yes.

Mr. COHN. Mrs. Wolman.

The CHAIRMAN. Will you raise your right hand. In this matter now in hearing before this committee, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. WOLMAN. I do.

**TESTIMONY OF DIANA WOLMAN, ACCOMPANIED BY HER
COUNSEL, VICTOR RABINOWITZ**

Mr. COHN. May we have your full name, please.

Mrs. WOLMAN. Diana Wolman.

Mr. COHN. W-o-l-m-a-n?

Mrs. WOLMAN. That is right.

Mr. RABINOWITZ. May we have the light off? It disturbs me.

Mr. COHN. What was your maiden name, Mrs. Wolman?

Mrs. WOLMAN. Diana Moldover.

Mr. COHN. M-o-l-d-o-v-e-r?

Mrs. WOLMAN. That is right.

Mr. COHN. When were you married?

Mrs. WOLMAN. November 3, 1946.

The CHAIRMAN. Do you have a statement?

Mrs. WOLMAN. I would like to make a statement.

I object to the jurisdiction of the committee on the following grounds: One, the committee has no jurisdiction on the subject matter of the inquiry. Two, there is no proper legislative purpose for this inquiry. Three, there is no quorum of the committee present.

The CHAIRMAN. The objection will be overruled.

Mr. COHN. Mrs. Wolman, did you give your address for the record?

Mrs. WOLMAN. You didn't ask me.

Mr. COHN. Give it to us, please.

Mrs. WOLMAN. 505 Alabama Avenue.

Mr. COHN. 505 Alabama.

Mrs. WOLMAN. Alabama Avenue.

Mr. COHN. Is that New York City?

Mrs. WOLMAN. Yes.

Mr. COHN. Mrs. Wolman, what is your occupation at the present time?

Mrs. WOLMAN. I am a teacher.

Mr. COHN. Where do you teach?

Mrs. WOLMAN. Thomas Jefferson High School.

Mr. COHN. Here in New York?

Mrs. WOLMAN. Yes.

Mr. COHN. Have you ever been employed by the Army Signal Corps.

Mrs. WOLMAN. Yes, I have. But contrary to the lie which was told after the other hearing, I was never at Fort Monmouth and I never worked in the radar laboratory.

Mr. COHN. Have you ever been employed by the Army Signal Corps?

Mrs. WOLMAN. Yes, I have.

Mr. COHN. When.

Mrs. WOLMAN. I think it was 1942, but I am not certain now. I am sure your records are probably right.

The CHAIRMAN. I did not understand the witness. She said she had not been employed at Fort Monmouth?

Mrs. WOLMAN. That is correct.

The CHAIRMAN. Where did you work for the Army Signal Corps?

Mrs. WOLMAN. For about 2 months I was at Kearny and for the rest of the time I was in New York.

Mr. COHN. Kearny, N. J.? Is that correct?

Mrs. WOLMAN. Yes. The papers said that and that is the reason I am making the statement.

Mr. COHN. You tell us. When you first went to work for the Signal Corps where were you assigned?

Mrs. WOLMAN. Kearny.

Mr. COHN. What kind of work did you do at Kearny?

Mrs. WOLMAN. I did simple mechanical inspection of soldering, screws, things like that.

Mr. COHN. Did you inspect work; is that correct?

Mrs. WOLMAN. Yes.

Mr. COHN. And where did you go after Kearny?

Mrs. WOLMAN. New York.

Mr. COHN. And for how long a period of time were you employed by the Signal Corps in New York?

Mrs. WOLMAN. It was the same Signal Corps. I was just transferred by them.

Mr. COHN. You were an inspector; is that right?

Mrs. WOLMAN. I was called a junior engineering aide.

Mr. COHN. And your actual job was inspection of Signal Corps and equipment; is that right?

Mrs. WOLMAN. It was chiefly counting rather, inspection later on.

Mr. COHN. Whatever your duties were, it involved inspecting the material; is that right?

Mrs. WOLMAN. Yes.

The CHAIRMAN. Was the title of inspector given you for that work?

Mrs. WOLMAN. No, it was not.

The CHAIRMAN. What was the title?

Mrs. WOLMAN. Junior engineering aide.

Mr. COHN. Did you ever have access to any classified material?

Mrs. WOLMAN. Not that I know of. Nobody told me.

Mr. COHN. You didn't know one way or the other?

Mrs. WOLMAN. That is correct.

Mr. COHN. Could anybody walk into every place that you were, anyone off the street?

Mrs. WOLMAN. No. During the war I imagine no one could.

Mr. COHN. You don't have any doubt about that, do you?

Mrs. WOLMAN. No.

Mr. COHN. When did you leave the employ of the Signal Corps?

Mrs. WOLMAN. After I had pneumonia for about 8 weeks—I really don't remember the exact time. I do know that I was sick and then I left. I think I worked there under a year, but I am not certain about that.

Mr. COHN. Can you fix for us approximately the date at which you left the employ of the Signal Corps?

Mrs. WOLMAN. I really can't. I know I began about May or June, and I know that New Year's I was sick. That I remember. I don't know.

Mr. COHN. You are quite sure you were not an inspector for the Signal Corps? That was not your title?

Mrs. WOLMAN. My title was junior engineering aide. That I know.

Mr. COHN. Can you explain to us how it was in your application you said you worked for the Army Signal Corps and you worked as a junior inspector?

Mrs. WOLMAN. I don't know. After all, this was 10 years ago.

Mr. COHN. Don't you think your memory then might have been a little better than it is now as to what your title was?

Mrs. WOLMAN. I know my title and what I got paid.

Mr. COHN. I see.

The CHAIRMAN. Is it correct that while you were working at the Signal Corps laboratories, that you had to pass a guard to get into the lab?

Mrs. WOLMAN. I was not working in any laboratory.

The CHAIRMAN. Well, wherever you were working. Did you pass a guard to get in?

Mrs. WOLMAN. Yes.

The CHAIRMAN. Was there a fence around the place?

Mrs. WOLMAN. I imagine so. I don't remember now.

The CHAIRMAN. Do you know if the purpose was to keep the Communists out or in?

Mrs. WOLMAN. I am sorry, I didn't hear your witticism.

The CHAIRMAN. Were you a member of the Communist Party at the time?

Mrs. WOLMAN. Under the fifth amendment, no person can be compelled to be a witness against himself.

Mr. COHN. Now, Mrs. Wolman, did you leave the Signal Corps to assume a full-time position with the Communist Party?

(The witness conferred with her counsel.)

Mrs. WOLMAN. Fifth amendment.

Mr. COHN. Did you leave the Signal Corps to accept a Communist Party assignment as the chief of the export department of the Four Continent Book Corp.?

Mrs. WOLMAN. Fifth amendment.

Mr. COHN. Is it not a fact that under orders of the national committee of the Communist Party you became the chief of the export division of the Four Continent Book Corp.?

Mrs. WOLMAN. Fifth amendment.

Mr. COHN. Were you ever the head of the export department of the Four Continent Book Corp.?

Mrs. WOLMAN. Fifth amendment.

Mr. COHN. While you were working for the Signal Corps, were you teaching at a Communist school?

(The witness conferred with her counsel.)

Mrs. WOLMAN. No, I was not.

Mr. COHN. Did you assume a teaching position with a Communist school immediately upon leaving the Signal Corps?

(The witness conferred with her counsel.)

Mrs. WOLMAN. Fifth amendment.

The CHAIRMAN. When you say "fifth amendment," do you mean that you feel your answer would tend to incriminate you?

Mrs. WOLMAN. No, I do not. I mean exactly what the fifth amendment says, that no person can be compelled to be a witness against himself.

Mr. COHN. You feel that by testifying you would be a witness against yourself and you invoke the protection of the fifth amendment; is that right?

Mrs. WOLMAN. That is correct.

The CHAIRMAN. In other words, when you say "fifth amendment," you are telling us that you feel that if you answered you would be a witness against yourself?

Mrs. WOLMAN. That is right.

The CHAIRMAN. You are entitled to that refusal.

Mr. COHN. Were you an instructor in Soviet literature and in Russian at the Jefferson School of Social Sciences from 1945 on?

(The witness conferred with her counsel.)

Mrs. WOLMAN. Fifth amendment.

Mr. COHN. Are you a naturalized citizen, Mrs. Wolman?

Mrs. WOLMAN. Yes, I am.

Mr. COHN. When were you naturalized?

Mrs. WOLMAN. I was not naturalized. My father was.

Mr. COHN. Where were you born?

Mrs. WOLMAN. Russia.

Mr. COHN. You were born in Russia?

Mrs. WOLMAN. That is correct.

Mr. COHN. Have you returned to Russia at any time since you came to this country?

Mrs. WOLMAN. No; I have not.

Mr. COHN. Mr. Chairman, I would ask that there be received in evidence at this point a few catalogs from the Jefferson School of Social Sciences, listing Diana Moldover, which was Mrs. Wolman's maiden name, as an instructor at the Jefferson School, immediately following her Signal Corps employment.

The CHAIRMAN. They will be received.

(The documents referred to were marked "Exhibit Nos. 13 (a) and (b)" and will be found in the appendix on pp. 229 and 230.)

Mr. COHN. Mrs. Wolman—

Mr. RABINOWITZ. Are they introduced? If they are, I would like to see them.

Mr. COHN. Yes.

The CHAIRMAN. Mr. Cohn, for the record I think you should identify the Four Continent Book Corp., and while it is generally known that the Jefferson School is a Communist school, I think you should also identify that for the record.

Mr. COHN. Let's apply the official citation, Mr. Chairman, and insert it in the record.

The CHAIRMAN. Do you have a citation for both?

Mr. COHN. We will supply those for the record. I would rather get it exactly. I don't know whether it has been or has not been, Mr. Chairman. If I may, I would rather have the citations checked and enter the directly appropriate citation. I would be glad to supply Mr. Rabinowitz a copy before we do that. Will that be all right?

The CHAIRMAN. Yes.

We should do that at the earliest possible date.

(The citations referred to above were marked "Exhibit Nos. 14 (a) and (b)" and will be found in the appendix on p. 231.)

Mrs. WOLMAN, do you question the fact that the Four Continent Book Corp. was completely Communist controlled, and employed nothing except Communists?

Mrs. WOLMAN. Fifth amendment.

The CHAIRMAN. Do you question the fact that the Jefferson School, at which you were advertised as a teacher, was a completely Communist-controlled school and no one except Communists were employed by the Jefferson School?

Mrs. WOLMAN. Fifth amendment.

The CHAIRMAN. Were you engaged in espionage at the time you were working for the Government?

(The witness conferred with her counsel.)

Mrs. WOLMAN. No.

The CHAIRMAN. Did you ever discuss classified material with people known to you to be members of the Communist Party?

Mrs. WOLMAN. I never discussed anything I might have known with anybody.

The CHAIRMAN. Pardon.

Mrs. WOLMAN. I never discussed anything I might have known.

The CHAIRMAN. Did you ever discuss any of the work that you were doing in the plant with people either within the plant or outside of the plant, known to you to be members of the Communist Party?

Mrs. WOLMAN. I never discussed the work I did with anybody at all.

The CHAIRMAN. You mean you never even discussed it with your boss in the plant?

Mrs. WOLMAN. I don't know what you call discussed.

The CHAIRMAN. What do you mean by "discussed"? You said you never discussed it, so you tell me.

Mrs. WOLMAN. I meant outside my work after I came home.

The CHAIRMAN. I am talking about Communists while you are working.

Mrs. WOLMAN. Well, I never discussed it with anybody that I knew to be a Communist.

The CHAIRMAN. You never discussed your work with anyone in the plant that you knew to be a Communist? Is that correct?

Mrs. WOLMAN. That is correct.

The CHAIRMAN. Did you attend Communist meetings with anyone that worked with you in the plant?

Mrs. WOLMAN. Fifth amendment.

The CHAIRMAN. Did you know Communists inside the plant?

(The witness conferred with her counsel.)

Mrs. WOLMAN. Fifth amendment.

The CHAIRMAN. It is your testimony that you never discussed this?

Mrs. WOLMAN. That is correct.

The CHAIRMAN. Let's rephrase the question: Did you ever discuss your work with anyone whom you thought was a member of the Communist Party or with whom you attended Communist Party meetings?

(The witness conferred with her counsel.)

Mrs. WOLMAN. As I understand the question, the answer is "No." It isn't the kind of work anybody went around discussing.

The CHAIRMAN. Your answer is "No," you never on any occasion discussed your work with anyone whom you thought was a Communist or anyone with whom you attended a Communist meeting?

Mrs. WOLMAN. I didn't say I attended Communist meetings.

Mr. COHN. Did you?

Mrs. WOLMAN. Fifth amendment.

The CHAIRMAN. You are ordered to answer the question for the reason that you have waived the fifth amendment in the field of espionage. This would involve espionage.

Mrs. WOLMAN. I still stand on the fifth amendment.

Mr. COHN. For how long a period of time have you been employed by the New York Board of Education?

Mrs. WOLMAN. Let's see. I was employed from 1940 to 1942, and then from 1945 until the present except for 2 years when I was on maternity leave.

Mr. COHN. And you are working there at the present time; is that right?

Mrs. WOLMAN. That is right.

Mr. COHN. What is the exact nature of your duties now? Do you teach?

Mrs. WOLMAN. Yes.

Mr. COHN. At the Thomas Jefferson—

Mrs. WOLMAN. High School.

Mr. COHN. What do you teach?

Mrs. WOLMAN. My license is sight conservation.

Mr. COHN. License is—

Mrs. WOLMAN. My license is teacher of sight conservation.

Mr. COHN. What does that mean?

Mrs. WOLMAN. These are children with poor vision to whom I read their assignments, the assignments which their teachers have given them. I enlarge on a typewriter their exams and other material.

Mr. COHN. In other words, you don't address yourself to any particular subject, it is more in a category of students and you cover the general work they receive?

Mrs. WOLMAN. I do not choose their material or say anything. I do whatever their own teachers gave them as their homework.

Mr. COHN. Do you ever answer any questions that they give you?

Mrs. WOLMAN. My job is not to give them their homework but to read aloud so that they will be in the same position as sighted children.

Mr. COHN. Aren't there any questions that ever come up concerning interpretation of the material?

Mrs. WOLMAN. Not that I can recall.

Mr. COHN. You don't recall any instance at all in the entire period of time that you have been doing this where you had to do anything other than read the assignment out loud?

Mrs. WOLMAN. Or summarize. General orientation, how to find rooms, how to find different clubs, things like that.

Mr. COHN. What are some of the subjects concerned when you read these assignments?

Mrs. WOLMAN. Whatever subjects the children are taking.

Mr. COHN. Do any of these subjects include social studies?

Mrs. WOLMAN. Yes.

Mr. COHN. Are you a member of the Communist Party at the present time?

Mrs. WOLMAN. Fifth amendment.

Mr. COHN. Have you been a member of the Communist Party during the entire period of your employment by the New York City Board of Education?

Mrs. WOLMAN. Fifth amendment.

Mr. COHN. Did you obtain your position with the New York City Board of Education by submitting a false application and denying party membership?

Mrs. WOLMAN. Fifth amendment.

Mr. COHN. Mr. Chairman, may we have in evidence the application of this witness dated February 5, 1946, for employment with the board of education, in which she lists both her Signal Corps employment and her employment as head of the export department of the Four Continent Bookshop?

The CHAIRMAN. It will be received.

(The document referred to above was marked "Exhibit No. 15" and will be found in the appendix on p. 232.)

Mr. COHN. I would ask, Mr. Chairman, that we subpoena—Yes, Mr. Rabinowitz, you can see it—I will ask, too, that we subpoena from the board of education any additional applications that might have been filed by this witness containing a non-Communist oath to see whether or not the statute of limitations has run on a perjury and false statement application.

The CHAIRMAN. That will be done.

Your maiden name was Moldover?

Mrs. WOLMAN. Yes, I said so.

The CHAIRMAN. Did you teach at the Central Army Induction Station?

(The witness conferred with her counsel.)

Mrs. WOLMAN. Fifth amendment.

The CHAIRMAN. Pardon?

Mrs. WOLMAN. Fifth amendment.

The CHAIRMAN. Fifth amendment as to whether you taught there?

Mrs. WOLMAN. That is right.

The CHAIRMAN. Have the record show that the Jefferson School advertised that this witness taught at the Central Army Induction Station. Let me ask you this question: Did you teach at Brooklyn College?

(The witness conferred with her counsel.)

Mrs. WOLMAN. Yes, I did.

Mr. COHN. I wonder if we could read for the record from this material from the Jefferson School catalog the following description: Diana Moldover, instructor, Soviet Literature, and the No. 157 B. A., M. A., Brooklyn College, born in Russia, graduated work in Russian language and literature, Columbia University. I assume that means you studied at Columbia University, is that right? You did not teach there?

Mrs. WOLMAN. No, I didn't teach there.

Mr. COHN. Taught at Brooklyn College and Central Army Induction Station, New York City. When you were teaching at Brooklyn College, were you a member of the party, the Communist Party?

Mrs. WOLMAN. Yes, there are others. Fifth amendment.

The CHAIRMAN. Did you engage in illegal activities in connection with your teaching at any institution or place?

(The witness conferred with her counsel.)

Mrs. WOLMAN. Fifth amendment.

The CHAIRMAN. Mrs. Wolman, is your husband a Communist?

Mrs. WOLMAN. Fifth amendment.

The CHAIRMAN. What is his job now?

Mrs. WOLMAN. He is an assistant principal.

The CHAIRMAN. At what school?

Mrs. WOLMAN. P. S. 3.

The CHAIRMAN. Pardon?

Mrs. WOLMAN. P. S. 3.

The CHAIRMAN. Public School No. 3? Where?

Mrs. WOLMAN. Brooklyn.

The CHAIRMAN. What is his first name?

Mrs. WOLMAN. Benjamin.

The CHAIRMAN. Mrs. Wolman, the New York Board of Education has apparently decided to summarily dismiss anyone who refused to state whether or not they are Communists on the ground that their answer might tend to incriminate them. Harvard, for example, takes the opposite position. I just wonder whether you think that the New York Board of Education or Harvard's rule is the better insofar as members of the Communist Party are concerned?

Mrs. WOLMAN. I merely want to inform you that the whole question of 903 is up at the court of appeals or whatever the exact name of the court is in Albany, and a decision is not yet down.

The CHAIRMAN. Do you think this decision of the board of education is unfair to the members of the Communist Party?

(The witness conferred with her counsel.)

Mrs. WOLMAN. I have no opinion on it.

The CHAIRMAN. You have no opinion on that at all?

Mrs. WOLMAN. No.

The CHAIRMAN. You may step down. You may consider yourself under continuing subpoena. Counsel will be notified when you are wanted back.

Mr. COHN. Mr. Rabinowitz would like a 5-minute recess to confer with his next client, Mr. Chairman.

The CHAIRMAN. We will take a recess until 12:15.

(Brief recess.)

The CHAIRMAN. The committee will come to order.

Mr. COHN. The next witness is Mr. Wolman.

The CHAIRMAN. Will you raise your right hand. In this matter now in hearing before the committee, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WOLMAN. I do.

TESTIMONY OF BENJAMIN WOLMAN, ACCOMPANIED BY HIS COUNSEL, VICTOR RABINOWITZ

Mr. COHN. Mr. Wolman, may we have your full name, please.

Mr. WOLMAN. Benjamin Wolman.

Mr. COHN. How is that spelled?

Mr. WOLMAN. W-o-l-m-a-n.

May I read this statement?

Mr. COHN. Yes.

Mr. WOLMAN. I object to the jurisdiction of the committee on the following grounds: One, the committee has no jurisdiction over the subject matter of the inquiry. Two, there is no proper legislative purpose to this inquiry. Three, there is no quorum of the committee present.

The CHAIRMAN. The objection will be overruled.

Mr. COHN. Mr. Wolman, where do you reside?

Mr. WOLMAN. 505 Alabama Avenue, Brooklyn.

Mr. COHN. And what is your occupation at the present time?

Mr. WOLMAN. I am assistant principal.

Mr. COHN. At what school?

Mr. WOLMAN. P. S. 3, Brooklyn.

Mr. COHN. How many students are in attendance at that school?

Mr. WOLMAN. Altogether, probably about 2,000.

Mr. COHN. For how long a period, Mr. Wolman, have you been with the New York Board of Education?

Mr. WOLMAN. Since my discharge from the Army in October 1945, separation from the Army in 1945.

Mr. COHN. While you were in the Army, or at any other time, did you ever have any connection with the Signal Corps at Fort Monmouth?

Mr. WOLMAN. I went to officer candidate school at Fort Monmouth.

Mr. COHN. And how long a period of time were you stationed there?

Mr. WOLMAN. Approximately the end of December 19—about Christmas 1942, and I got my commission 3 months later, March 1943.

Mr. COHN. Was it a Signal Corps school?

Mr. WOLMAN. It is a Signal Corps installation, yes. I think it was called Signal Corps Officer Candidate School.

Mr. COHN. Your training was in the Signal Corps, is that correct?

Mr. WOLMAN. That is right.

Mr. COHN. Did you ever attend any other Signal Corps school?

Mr. WOLMAN. Yes, but I think it was at Asbury Park, the other one, and fundamentals of electricity was one course, and the other one was called long lines inside.

Mr. COHN. Those were Signal Corps installations other than Fort Monmouth, is that right?

Mr. WOLMAN. Strictly speaking, no. I think they were under the same general command but they were located differently.

Mr. COHN. Are you the husband of Diana Wolman who just testified?

Mr. WOLMAN. I am.

Mr. COHN. Is she a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. WOLMAN. Of my direct knowledge—

(The witness conferred with his counsel.)

Mr. WOLMAN. I believe a witness cannot be compelled to divulge information given between husband and wife.

Mr. COHN. Do you wish in response to this question to assert a marital privilege on the basis of a confidential communication?

Mr. WOLMAN. A marital privilege.

Mr. COHN. On the basis of a confidential communication from your wife to you?

Mr. WOLMAN. A marital privilege, yes.

The CHAIRMAN. I think he is entitled to it.

Mr. COHN. Have you ever been a Communist?

Mr. WOLMAN. No, sir.

Mr. COHN. Have you ever attended any Communist meetings?

Mr. WOLMAN. No, sir. At least none that I knew were Communist meetings.

Mr. COHN. None that you knew were Communist Party meetings?

Mr. WOLMAN. That is right.

Mr. COHN. Were there any that you attended which were Communist meetings but for some reason you didn't know that they were Communist meetings?

Mr. WOLMAN. Well, if they were, and I knew they were, that would be one thing; but I said I did not attend any meetings that I knew of as Communist Party meetings.

Mr. COHN. Did you attend any meetings which you have subsequently come to learn were Communist Party meetings?

Mr. WOLMAN. No, sir.

Mr. COHN. Do you think it possible that you were a member of the Communist Party and not know it?

Mr. WOLMAN. That I should not know it?

Mr. COHN. Yes.

Mr. WOLMAN. No.

Mr. COHN. There couldn't be any mistake about that?

Mr. WOLMAN. No, sir.

Mr. COHN. Are there any particular meetings you have in mind which might have been Communist meetings although you did not know that they were?

Mr. WOLMAN. I can't think of any, sir.

Mr. COHN. You cannot think of any?

Mr. WOLMAN. No, sir.

Mr. COHN. Have you ever believed in the Communist form of government?

Mr. WOLMAN. No, sir.

Mr. COHN. You seem to hesitate.

Mr. WOLMAN. Well, I mean your general terminology; that is all.

Mr. COHN. In addition to your duties as assistant, have you ever taught classes in the New York school system?

Mr. WOLMAN. Yes.

Mr. COHN. In what subjects?

Mr. WOLMAN. Various subjects. I taught in the elementary schools, and I have taught in the high schools over a period of about 6 or 7 years.

Mr. COHN. What are some of the subjects that you have taught?

Mr. WOLMAN. In the elementary schools, I guess I must have taught just about every subject.

Mr. COHN. Just about everything?

Mr. WOLMAN. No, I say in high school I taught social studies, I think without any exception.

Mr. COHN. Now, in the course of your classes on social studies, did you have occasion to deal with matters concerning communism?

Mr. WOLMAN. Yes. The subject comes up in a course such as modern history, or world history, I think it was more properly called.

Mr. COHN. What was your attitude on communism as expressed to your class?

Mr. WOLMAN. I did not express an attitude to my class.

Mr. COHN. Not one way or the other?

Mr. WOLMAN. I don't think that is my job.

Mr. COHN. Not to be for or against?

Mr. WOLMAN. It is not my job to tell children or even to attempt to direct their thinking so that they can draw conclusions from my comments.

Mr. COHN. Did you teach your classes that under the Communist form the standard of living is raised and education and housing are improved?

Mr. WOLMAN. I don't recall teaching that. I might point out, however, that over the past 20 or 30 years there have been improvements, probably, in every country in standard of living. I could have done the same thing for conditions, let us say, in England, which has not had a Communist government.

Mr. COHN. Did you?

Mr. WOLMAN. I say I don't recall doing that.

Mr. COHN. Did you in the case of Russia?

Mr. WOLMAN. I don't recall doing that.

Mr. COHN. Did you teach that the revolution in the Soviet Union in 1917 was the solution to the problems of the Russian people?

Mr. WOLMAN. Did I teach what?

Mr. COHN. That the revolution in 1917 was the solution to the problems of the Russian people.

Mr. WOLMAN. No, sir.

Mr. COHN. You did not teach that?

Mr. WOLMAN. No, sir.

Mr. COHN. Did you discuss that topic at all?

Mr. WOLMAN. The topic of the Russian revolution?

Mr. COHN. Of whether or not the Russian revolution of 1917 was a solution to the problems of the Russian people. I am quoting. I want to know whether or not you ever taught that topic.

Mr. WOLMAN. No. You mean whether I taught that subject. Isn't that right?

Mr. COHN. Would you read the question?

(The reporter read from his notes as requested.)

Mr. WOLMAN. Yes. That question probably came up. If you asked me whether I recall teaching that particular topic. I can't say that I recall it. By the way, normally it might, I should say, come up.

Mr. COHN. Do you recall whether or not you taught the students that the Russian revolution was a solution to the problems of the Russian people, and a satisfactory solution?

Mr. WOLMAN. You say whether I taught that?

Mr. COHN. Yes, sir.

Mr. WOLMAN. No, sir.

Mr. COHN. You did not?

Mr. WOLMAN. No, sir.

Mr. COHN. What did you teach on that particular subject?

Mr. WOLMAN. As I say, the question may have come up. I don't recall what I did with it. But if I were to handle it, I would probably refer them to their textbooks and depending on the ability of the

children, perhaps more than one textbook or whatever is available in the library of the school, and then the topic might be treated as a debate among the children. It might, among the older ones, of course, and possibly that question then would have come into their discussion or their debate. I want to point out again, as I did before, it is not the job of a teacher to lead the discussion one way or the other into predetermined fields, that is, predetermined by the teacher. It would be unfair to the teacher and to the school.

Mr. COHN. Have you taught world history No. 2?

Mr. WOLMAN. Yes.

Mr. COHN. Let me ask you this: In connection with the Korean conflict, what is your opinion, what is your belief, as to who is at fault in starting the Korean war?

(The witness conferred with his counsel.)

Mr. WOLMAN. I have no opinion to offer.

Mr. COHN. You have no opinion one way or the other as to whether it was started—

Mr. WOLMAN. I have no opinion to offer.

Mr. COHN. Have you formed an opinion?

Mr. WOLMAN. I have no opinion to offer.

The CHAIRMAN. If you have an opinion, counsel has asked you a very simple question.

Mr. WOLMAN. I have no opinion.

The CHAIRMAN. You have no opinion. Your classes concern history, is that right?

Mr. WOLMAN. Yes, sir. May I say world history, and you have taken 1 subject that perhaps might have taken one 25-minute period or perhaps two 35-minute periods in a whole year's work. Counsel has done that, I mean.

The CHAIRMAN. The Korean war is a fairly important war in world history. You are teaching world history. You say you have no opinion as to whether that war was the fault of the Communists or the fault of this country.

Mr. WOLMAN. I have no opinion.

The CHAIRMAN. You have no opinion. What if a student comes to you and says "Mr. Wolman, do you think communism is good or bad?" What would you tell that student?

Mr. WOLMAN. I have expressed before that the role of a teacher is not to answer the pupil's questions.

The CHAIRMAN. Not to answer them?

Mr. WOLMAN. Not in that sense. I don't think any pupil would really learn that way. A pupil might learn a good deal better if given an opportunity to decide for himself.

The CHAIRMAN. Well, what if a student came to you and said, "Mr. Wolman, you are our professor, you are teaching history. What do you want to tell us about the historical facts, the background of the Korean war, whose fault was it?" Would you say to them, "I have no idea on that, no opinion as to who started the war."

Mr. WOLMAN. The pupils would have available to them, not in this case, a textbook, but they would have available to them weekly magazines, daily newspapers. If the question arose, and I might point out no such question ever arose, in my experience, but if such a question arose, hypothetically, my reference would be to the daily press.

The CHAIRMAN. Daily press?

Mr. WOLMAN. The daily press, or a weekly magazine.

The CHAIRMAN. And you would refuse to tell your students whether you felt that this country was at fault or the Communists were at fault?

Mr. WOLMAN. It would not be my job to tell them.

The CHAIRMAN. Would you refuse to tell them?

Mr. WOLMAN. Well, when you say refuse, you don't answer a kid, "No; I won't tell you."

The CHAIRMAN. But you would avoid it somehow, is that it?

Mr. WOLMAN. No; it is not a question of avoiding. I would tell him. He has available to him the same materials that are available to the general public.

The CHAIRMAN. If a student came to you and said "Mr. Wolman, is murder right or wrong?" would you refer him to the newspapers or would you tell him whether it was right or wrong?

Mr. WOLMAN. I can see that you haven't drawn any parallel at all, Senator.

The CHAIRMAN. Would you mind answering the question?

Mr. WOLMAN. I am trying to. Any pupil, let's say a kid in the seventh or eighth grade of elementary school, about 12 years old, or any child in high school 14, 15, 17 years of age, who has to come to me to find out whether murder is right or wrong—first of all, I would like to find out whether he is kidding me. And when I find, if I find that that kid is serious, about the question, I would most certainly try to find out why a kid has reached that age without having come to an opinion on murder.

The CHAIRMAN. Do you think murder is more—

Mr. WOLMAN. Murder is not justifiable anywhere, sir.

The CHAIRMAN. Do you think the murdering of women is a more serious crime than joining a conspiracy to destroy an entire nation?

Mr. WOLMAN. Is murder of women—

The CHAIRMAN. Don't you understand the question, Professor?

Mr. WOLMAN. No, sir.

The CHAIRMAN. Well, the reporter will read it to you.

(The reporter read from his notes as requested.)

(The witness conferred with his counsel.)

The CHAIRMAN. Do you need counsel's advice on that?

Mr. WOLMAN. No; there was a legal question as to what the law feels about these two items. Murder, first degree, in this State is punishable by death if a person is found guilty.

The CHAIRMAN. So is treason.

Mr. WOLMAN. Sir?

The CHAIRMAN. So is treason. I say so is treason.

Mr. WOLMAN. But that is not what you asked me.

The CHAIRMAN. All right. Answer the question.

Mr. WOLMAN. The charge—I am sorry, if the penalty under the congressionally enacted law for leadership in the Communist Party or membership in the Communist Party, I forget the exact terminology, something about advocacy of violent overthrow of the Government, is I believe, limited to 5 years.

The CHAIRMAN. You would rather not answer the question?

Mr. WOLMAN. No; I have answered the question. The law has made a distinction between the two.

The CHAIRMAN. Do you think it is an evil thing for a man to join the Communist conspiracy, or a woman?

Mr. WOLMAN. I think it is bad to join a conspiracy; yes, sir.

The CHAIRMAN. Do you think it is an evil thing to join the Communist conspiracy?

Mr. WOLMAN. Yes.

The CHAIRMAN. You do?

Mr. WOLMAN. Yes.

The CHAIRMAN. Do you think a man who belongs to the Communist conspiracy should be allowed to teach?

Mr. WOLMAN. I believe it was Dr. Hutchings, of Chicago——

The CHAIRMAN. I would appreciate your thought on that point.

Mr. WOLMAN. I go along with his answer. I have been trained in that field.

The CHAIRMAN. We would like to have your answer.

Mr. WOLMAN. I would like to point out, I have been trained as an educator, I read the statements, I listen to the educators, particularly those who have made their mark in the field of education, and I go along with his statement that a teacher should be judged by conduct in the classroom. I subscribe to that opinion, yes.

The CHAIRMAN. You think a teacher could engage in a conspiracy to destroy this Nation outside of the classroom and still have a right to teach if you did not catch him doing it in the classroom?

Mr. WOLMAN. Talking about a teacher, a teacher should be judged by what happens in the classroom.

The CHAIRMAN. Would you answer the question?

Mr. WOLMAN. I did.

The CHAIRMAN. Read the question, and you will be ordered to answer it.

(The reporter read from his notes as requested.)

The CHAIRMAN. Do you have some difficulty in that?

(The witness conferred with his counsel.)

The CHAIRMAN. Have the record show that the witness consulted with counsel before he answered the question.

Mr. WOLMAN. Is there anything wrong with that?

The CHAIRMAN. It is very revealing.

Mr. WOLMAN. Perhaps, but it seems to me——

The CHAIRMAN. There is no legal question involved. You are a teacher, teaching the sons and daughters of America, and you are asked a very simple question of whether or not a man who engages in a conspiracy to destroy this Nation outside of the classroom, whether in your opinion he should be allowed to continue teaching those sons and daughters. But before you can answer you insist upon consulting with counsel. You may consult with him.

Mr. WOLMAN. I consulted on a legal question, sir. Do you want to hear the legal question I asked him?

The CHAIRMAN. I do not care what you asked him. Please answer my question.

Mr. WOLMAN. If the person were found guilty of engaging in a conspiracy, I think any board of education would fire him.

The CHAIRMAN. I am not asking about what a board of education would do.

Mr. WOLMAN. They would have the authority to do so.

The CHAIRMAN. The board of education is doing a pretty good job.

Mr. WOLMAN. They would have the authority to do so.

The CHAIRMAN. I am asking you this question: Do you think that a man that engages in a conspiracy to destroy this Nation, a Communist conspiracy, outside of the classroom, should be allowed to teach children—

Mr. WOLMAN. That person has been proven to engage in that conspiracy; is that right? In court?

The CHAIRMAN. Did you understand the question?

Mr. WOLMAN. I understood the question. If that person has been proven guilty in court, that person should be fired, if that is what you want to know.

The CHAIRMAN. Let's say he has not been convicted.

Mr. WOLMAN. If he has not been convicted, you want me to judge him?

The CHAIRMAN. If you have evidence, and he refuses to state—

Mr. WOLMAN. I will not supersede the courts in this country, sir.

The CHAIRMAN. Let's see whether or not you are fit to teach.

Mr. WOLMAN. I am glad that you are not the judge of that.

The CHAIRMAN. If a man is called before a grand jury or a committee, or a woman, and is asked the question "Are you a member of the Communist conspiracy?" and he or she says "I refuse to answer on the ground that my answer would tend to incriminate me, and I can't be a witness against myself," do you think such a person should be continued as a teacher, assuming that that person has not been convicted of any crime?

Mr. WOLMAN. Yes.

The CHAIRMAN. You think they should be continued as a teacher?

Mr. WOLMAN. Yes.

The CHAIRMAN. Now, did you ever tell your wife that you were a member of the Communist Party?

Mr. WOLMAN. Marital privilege.

The CHAIRMAN. Did you ever indicate to her that you were a member of the Communist Party?

Mr. WOLMAN. That is the marital privilege.

The CHAIRMAN. You mean you are refusing on the ground that you need not disclose what occurred confidentially between you and your wife?

Mr. WOLMAN. I think that is the phrase.

The CHAIRMAN. Did you ever tell her or indicate to your wife when other people were present, that you were a member of the Communist Party?

Mr. WOLMAN. No, sir.

The CHAIRMAN. In other words, any conversation about this was held between you and your wife confidentially?

Mr. WOLMAN. You mean if any conversation were so held?

The CHAIRMAN. Well, if there were not any such conversations, you can say no.

Mr. WOLMAN. No; I don't think that is the way the answer can be phrased.

The CHAIRMAN. You invoke the privilege. Getting back to this question, if a student came up to you and said "Now, Mr. Professor,

is it wrong to steal?" would you hesitate about telling him that was wrong?

MR. WOLMAN. Well, I think I answered a question pretty much the same with regard to murder. I think it would be a serious matter for—

THE CHAIRMAN. Why wouldn't you tell him if it was wrong?

MR. WOLMAN. You have asked me for an opinion.

THE CHAIRMAN. You said you would not tell him whether communism was bad.

MR. WOLMAN. Probably my first remark to him was "Are you crazy?" if I didn't care about his feelings; but I do care about his feelings, therefore I would ask him—

THE CHAIRMAN. You said "I would ask him, and are you crazy?" Are you referring now to the question about whether or not communism was bad or whether stealing was bad?

MR. WOLMAN. You asked me a question about stealing, did you not?

THE CHAIRMAN. We will stick to that. I wanted to make it clear.

MR. WOLMAN. On the question of stealing, well as I said, if I had no feelings for the kid, but obviously I do, I would probably ask him "Why do you ask?" and again going on in this hypothetical question—no kid has ever asked me that, I assure you, and no adult either, probably—I would probably want to know how it is that at home or in previous years of schooling he had never seriously asked himself the question by the time he has reached the age of, let's say 14 or 15.

THE CHAIRMAN. Now, let's shift over to communism. If he came to you and said "Mr. Professor, do you think communism is wrong?" would you think he was insane in connection with that?

MR. WOLMAN. No; I would probably ask him if he has made any effort to come to a decision on the question himself, whether he has studied the question or the questions involved.

THE CHAIRMAN. Do you think it is worse for a man to steal some goods from the corner grocery store than to belong to the Communist conspiracy?

MR. WOLMAN. No.

THE CHAIRMAN. You don't think it is worse?

MR. WOLMAN. No; it is not worse to steal—you are asking a question as to whether one act, one illegal act, is worse than what has been decided as another illegal act. An illegal act is illegal, and so long as the law states so, it is wrong.

THE CHAIRMAN. You would think he would be insane if he questioned you about stealing. You would think he was not insane if he questioned you about communism.

MR. WOLMAN. Certainly, the second one is a controversial question upon which millions of people throughout the world have differing opinions.

THE CHAIRMAN. And you haven't made up your mind yet?

MR. WOLMAN. No, sir. I have no opinion on it.

THE CHAIRMAN. I think we have questioned his activities rather thoroughly.

MR. COHN. Mr. Chairman, I would ask that the witness be continued under subpoena, because we hope to hear some other witnesses in connection with this particular case in the next few days.

Mr. WOLMAN. Do you want me to sit?

The CHAIRMAN. You can do as you like, sit or stand.

Mr. WOLMAN. That is your decision.

The CHAIRMAN. Your testimony is that you do not belong to the Communist Party now, is that correct?

Mr. WOLMAN. That is what I said.

The CHAIRMAN. Your testimony is that you have not belonged to the Communist Party.

Mr. WOLMAN. That is right.

The CHAIRMAN. And you have not attended any Communist Party meetings?

Mr. WOLMAN. I indicated that, too.

The CHAIRMAN. You indicated. Is it correct that you attended no Communist Party meetings?

Mr. WOLMAN. That is correct.

The CHAIRMAN. And that you have never contributed money to the Communist Party?

Mr. WOLMAN. That is right.

The CHAIRMAN. You never joined the Young Communist League?

Mr. WOLMAN. No, sir.

The CHAIRMAN. Never attended meetings of the Young Communist League?

Mr. WOLMAN. No, sir.

The CHAIRMAN. We will want you back.

The other witnesses who are subpoenaed for today will return tomorrow morning at 10:30, except those who are subpoenaed for executive session. They will return at 2 o'clock this afternoon to this room.

We will adjourn this public hearing until 10:30 tomorrow morning.

(Whereupon, at 12:50 p. m. the committee was recessed, to reconvene at 10:30 a. m. the following day, Wednesday, December 16, 1953.)

APPENDIX

EXHIBITS

No. 11

Third notice

BOARD OF EDUCATION OF THE CITY OF NEW YORK

OFFICE OF THE BOARD OF EXAMINERS
110 LIVINGSTON STREET, BROOKLYN, 2, N.Y.

Each candidate for a license is requested to write his answers to the five following questions on this form, and to return it to this office by mail or in person after having sworn to it before a notary or a commissioner of deeds.

1. Have you ever by word of mouth or in writing, illegally, wilfully and deliberately advocated, advised or taught the doctrine that the government of the United States of America, or of any state or of any political subdivision thereof, should be overthrown or overturned by force, violence or any unlawful means? No If your answer is in the affirmative, state the facts on the reverse side of this form.

2. Have you ever printed, published, edited, issued or sold any book, paper, document or printed matter in any form containing or advocating, advising or teaching the doctrine that the government of the United States or of any state, or of any political subdivision thereof, should be overthrown or overturned by force, violence, or any unlawful means, or have you ever advocated, advised, taught, or embraced the duty, necessity or propriety of adopting the doctrine contained therein? No If your answer is in the affirmative, state the facts on the reverse of this form.

3. Have you ever organized or helped to organize or become a member of any society or group of persons which teaches (or taught) or advocated (or advocated) that the government of the United States or of any state, or of any political subdivision thereof, should be overthrown or overturned by force, violence, or any unlawful means? No If your answer is in the affirmative, state the facts on the reverse of this form.

4. Do you give sincere support, and do you now affirm that you will give sincere support in and out of the classroom, to the doctrine that political or economic changes in this country are properly to be effected only by orderly constitutional processes, expressing the will of the majority, and not by force, violence, or any unlawful means? Yes If your answer is in the negative, state the facts on the reverse of this form.

5. Do you subscribe unqualifiedly to the principle that a teacher should not use the classroom for the purpose of propaganda of ideas or policies that are inconsistent with the doctrine stated in the preceding question? Yes If your answer is in the negative, state the facts on the reverse of this form.

I hereby make affidavit that my answers to the questions on this form are true.

Elmer Glassman
(Signature of Applicant).

345 E. 86 St. N.Y.C.
(Address).

Sworn to and subscribed before me
this 20th day of June 1940.

James Hinde
Commissioner of Deeds
Notary Public.

to be used School
Subject Social Studies

BERNARD HINDE
Notary Public in the State of New York
Residence at New York City
N.Y. Co. Clerk No. 576, expires on June 30
Commission Expires March 30 1943

NOTE: If more space is needed to properly fully the information sought on this and the next page, attach a sheet or sheets of plain, uncommercial-size stationery (8 1/2 x 11), heading each sheet with your name and home number, add additional information under appropriate headings.

Other applications for (human in the Public School System:	1	2	3
(For what district)	(When made)	(Result)	
(List the names and present addresses)			

EDUCATIONAL AND PROFESSIONAL TRAINING

SCHOOLS ATTENDED: DECKERS FIELD

(Postgraduate and extension courses are not to be included in this tabulation.)

PS ID#	Address	Attendance		Did you graduate? Yes or No	Degrees granted and date
		From	To		
PS 11			7/2		
High or senior secondary school		7/10	7/14	YES	
Washington, D.C.		7/20	7/26	YES	
Normal or training school					
College					
High - SR	Washington, D.C.	7/26	7/41	YES	AB
College					
High - SR	Washington, D.C.	7/26	7/41	YES	MA

COLTSKIN

Let me not show specific results, whether unobtainable, gradual, or otherwise desired, which are needed to establish fact definitely.

Institution	Name of Course	Clock Hours	Number of		Dates	Nature of Comments
			Sessions	Semester Hours		
EMORY COLLEGE SCHOOL FOR SOCIAL WORK	PSYCHIATRIC SOCIAL WORK		Regular course leading to degree - 7/45			
YOUNGSLIA UNIVERSITY	ABNORMAL PSYCH PSYCH Q. 1-1- RESEARCH SEM (MAY)			3 3	7/44 7/44	Post- graduate

EXPERIENCE

A. B.—The data furnished on this page must be listed chronologically and must leave no gaps in your record of professional experience or your business or trade employment. If unemployed at any time, indicate this fact clearly. If your references are relatives, indicate relationship.

TEACHING EXPERIENCE

Name or Number and Address of School	From	To	Days per Day	Days per Week	Name, address and phone of best ref.
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					

* Mark substance reference: I, regular teaching; II, evening school; III, teacher in training service; IV, summer school service; V, Work Program Administration Service; VI, P. A. War Industrial Training Program; VII, P. A. War Service; VIII, voluntary unpaid service; and IX.

ADMINISTRATIVE OR SUPERVISORY EXPERIENCE IN SCHOOLS

Position	Name and Address of School	From	To	Name, address and position of person who can best certify to character and character of your service
1.				
2.				
3.				

SUMMARY: Total teaching and supervisory experience _____ years. (If less than a full year of teaching, state here the exact number of days to date of this application. _____ days.)

EXPERIENCE IN A TRADE OR IN CLERICAL WORK, OR IN A PROFESSION OTHER THAN EDUCATION

(Describe in full year employment having no gaps must appear below V.)

Employer's Name and Address (State Relationship if apt.)	Capacity in Which Employed	Dates		Hours per Week	Wages per Year
		From	To		
1. JEWELL B. N. GUARDIAN	PSYCHIC	7/45	present	3 1/2	52
2. 15 E 19 ST. NYC	SEAL WORKER				
3. ECKHARDT OPTICAL CO.	OPTICAL ASST.	12/43	7/44	48	"
4. 15 E 19 ST. - B. NY					
5. U. S. SIGNAL CORPS	PROFESSIONAL ASST.	7/43	7/43	48	
6. ET. MANHATTAN, N. J.	TE. ENGINEER				
7. 15 E 19 ST. - B. NY	ASST. IN	7/41	7/43	40	
8. 15 E 19 ST. - B. NY	REMARKS OFF				
9. FINEKELSTEIN SONS INC.	CASHIER	7/40	7/41	40	
10. 15 E 19 ST. - B. NY	TYPIST				

The applicant may describe below any additional qualifications (not included in the information called for in the foregoing questions) that would especially fit him for the license for which he is an applicant; or he may use this space for any other information that would be of assistance in other parts of the form. If more space is needed, the applicant should attach to the application a supplementary statement.

REFERENCES AS TO CHARACTER AND GENERAL QUALIFICATIONS

N.B.—If an applicant's references fail to reply to or they send incomplete responses to the inquiries of the Board of Examiners, license may be refused the applicant on that ground alone. Hence it is important to give living and competent references. This applies also to references as to experience, given on page three.

Name (State Relationship, if any.)	Address
MISS FLORENCE DAY DICKSON	1515 10TH AVE. NEW YORK
MRS. FLORENCE DAY DICKSON	1515 10TH AVE. NEW YORK
MRS. MYRA ANNE BROWN	JEROME AVE. 17 ST. NEW YORK
M. JACOBSON	1515 10TH AVE. NEW YORK
MR. SAMUEL SLAVEN	302 E 17 ST. NYC
MRS. PAUL A. SCHERER	302 E 17 ST. NYC

CITIZENSHIP

Naturalized citizens and declarants must submit the Federal certificate to the Board of Examiners for inspection at the time of filing this application. All applicants must fill in Paragraphs 1 and 2. In addition, married women will fill in Paragraph 3.

STATE OF NEW YORK, CITY OF NEW YORK, COUNTY OF NY ss: Charles being duly sworn, deposes and states

1. That he is the undersigned applicant for license in the public schools of The City of New York;

2. That he has applied to become a citizen of the United States of America, having been born at NYC (Place of birth) on 4/23/21 (Date of birth) and (being, therefore, a native citizen, having become a naturalized citizen as follows: being an applicant for citizenship as follows: (transmit two))

Court: (Give name of court with district or county)

Date of declaration of intention ("first papers") _____ Date of final papers _____

Final papers granted to _____ (If other than deponent's husband, state relationship)

3. That under the name of _____ she was married on _____ to _____ who has applied to become a citizen of the United States of America, having been born at _____ (Place of birth) on _____ (Date of birth) and (being, therefore, a native citizen, having become a naturalized citizen as follows: being an applicant for citizenship as follows: (transmit two))

Court: (Give name of court with district or county)

Date of declaration of intention ("first papers") _____ Date of final papers _____

Final papers granted to _____ (If other than deponent's husband, state relationship)

WARNING: Before taking solemn re-read instructions A and B at top of page one of this application.

4. THAT SHE HAS MADE AND SUBSCRIBED TO THE STATEMENTS IN THE FOREGOING APPLICATION, THAT TO THE BEST OF HIS (OR HER) KNOWLEDGE AND BELIEF SHE HAS SUBMITTED THEREIN COMPLETE AND ACCURATE STATEMENTS, AND THAT SUCH STATEMENTS ARE TRUE ACCORDING TO HIS (OR HER) INFORMATION AND BELIEF.

(Signature of Applicant) Charles Slaven (Men print in full)

Sworn to before me this _____ day of _____ 194 5

I have seen certificate of naturalization—
deponent—referred to above.

CHANGES IF APPLICABLE IN TAKEN IN NEW YORK

No. 13a

FALL—JEFFERSON SCHOOL OF SOCIAL SCIENCE, SEPTEMBER—DECEMBER 1945

INSTRUCTORS AND GUEST LECTURES

- ADAMS, JOSEPHINE TRUSLOW *Instructor, "Art History and Appreciation: Prehistoric Times to the Renaissance"* (170); *"Painting and drawing for Amateurs"*—I (200); *"Painting and Drawing for Amateurs"*—II (201); *"Painting and Drawing for Children"* (620); *"Painting and Drawing for Young People"* (621)
A. B., Columbia University, studied at Pratt Institute and Pennsylvania Academy. Has taught painting and the History of Art at Swarthmore College. Exhibited at the Milch Galleries and the Art Alliance, Philadelphia. Paintings in Hyde Park and other private collections.
- ARZE, JOSE ANTONIO *Instructor, "Latin America Today and Tomorrow"* (3)
Doctor in Social Sciences, University of Cochabamba, Bolivia. Former Professor of Inter-American Relations at Williams College. Director of the Bolivian Institute of Sociology.
- BAYER, THEODORE *Instructor, "History of the U. S. S. R."* (35)
Lecture and writer on the Soviet Union. An editor of *Soviet Russia Today*.
- BENNETT, GWENDOLYN *Instructor, "Modern Art"* (172); *"American Art: Its History and Appreciation"* (173)
B. S. in Fine Arts, Columbia University, Fellowships at Academie Julien, Paris, and Barnes Foundation, Merion, Pa. Taught Art at Howard University. Formerly Director, Harlem Community Art Center. Director, George Washington Carver School.
- BLOCK, DAVID S. *Instructor, "Basic Layout and Advertising Design"* (230)
Has designed national advertising campaigns for various commercial products. Designed complete employment campaign for Douglas Aircraft in Los Angeles. At present senior art director of New York advertising agency. Member of The Art Directors Club.
- MOLDOVER, DIANA *Instructor, "Russian" I, II* (410, 411) B. A., M. A., Brooklyn College. Born in Russia. Graduate work in Russian language and literature, Columbia University.
- MORAIS, HERBERT *Instructor, "Rise of Industrial America (1877-1900)"* (25); *"Research and Writing In American History"* (29) Ph. D., Columbia, University. Formerly Assistant Professor of History, Brooklyn College. Author of *Deism in Eighteenth Century America*, and *The Struggle for American Freedom*. Contributor to historical publications. Editor, *New Currents*.
- NOVIKOFF, ALEX *Instructor, "Introductory Biology"* (105); *"Origin and Evolution of Life"* (106)
M. A., Ph. D., Columbia University. Instructor in Biology, Brooklyn College.
- OLKHOVSKY, VICTOR *Instructor, "Russian" I* (410); *"Russian—Intermediate"* (412)
Graduate of Russian Classical Gymnasium. Imperial University, Novorossisk. Graduate, Brooklyn Law School. Teaches Russian at C. C. N. Y. Author of *"Russian Trade and Industry"* (a Russian reader), *"History of the Russian People,"* co-author of *"Elementary Russian"* (based on Army Training Method).
- OSTROWSKY, CLARA *Librarian and Leader, "Children's Saturday Story Hours."*
B. S., University of Minnesota. Formerly on the Library Staffs of the University of Minnesota and Columbia University.
- PAGE, MYRA *Instructor, "Short Story Writing—Elementary"* (300) B. A. University of Richmond; M. S., Columbia University; Ph. D., University of Minnesota. Taught at University of Minnesota, Wheaton College and N. Y. Writers School. Author of *"Moscow Yankee," "Gathering Storm," "Soviet Main Street"* and others.
- POZNANSKI, GITEL *Instructor, "Anthropology and Social Change"* (110)
Fellowship in Anthropology, Columbia University, 1939-41. Research anthropologist for Vilhjalmur Steffansson, 1938-42. Editor, *Strategic Index of Latin America*, Yale University, 1943.

No. 13b

JEFFERSON SCHOOL OF SOCIAL SCIENCE
575 Avenue of the Americas, New York 11, N. Y.

Summer, July-August 1946

INSTRUCTORS AND GUEST LECTURERS

- ARON, PAUL *Instructor, "The British Empire" (33); "Science of Society" (50)*
B. S. S., C. C. N. Y.; M. A., Columbia. Former Fellow in History, C. C. N. Y., Taught at the School for Democracy
- BRADLEY, FRANCINE. *Instructor, "Cross-Currents in European Literature" (156)*
M. A. Ph. D., New York University. Graduate of Bern College, Switzerland. Taught in Wales, Madeira, Switzerland, and at New York University. Instructor, George Washington Carver School.
- COE, SAMUEL *Instructor, "Introductory Psychology" (120)*
B. S. S., C. C. N. Y.; M. A., University of California. Former managing editor, *Psychologists League Journal*; Member, American Psychological Association.
- COLLINS, HAROLD *Staff Instructor, "Science of Society"; "Review of the Week"; "Principles of Marxism" (51); "The World Today" (70); "Soviet Foreign Policy" (73)*
A. B., C. C. N. Y. Formerly Instructor in English, New York City High Schools.
- DODD, BELLA V. *Instructor, "Third Party Movements" (28)*
A. B., Hunter College; M. A., Columbia University; J. D., New York University. Formerly instructor in Political Science, Hunter College. Attorney, Legislative Director Communist Party of New York State.
- FRANKLIN, FRANCIS *Staff Instructor, "What Is Philosophy?" "Foundations of Leninism"; "American History: An Introduction" (20); "Oriental Philosophy" (138)*
B. A., University of Richmond; M. A., University of Virginia. Author of *The Rise of the American Nation*. Taught at New York Workers School.
- LEBOW, ELLEN *Instructor, "Vocabulary Building: A Guide to Word Study" (406)*
B. A., Hunter College; M. A., Columbia University. Formerly Instructor of Latin in Hunter College. Teacher of English and Latin in New York City High Schools.
- LEWIS, NORMAN *Instructor, "Painting and Drawing for Beginners" (200); "Painting and Composition" (202)*
Studied at Columbia University. Winner of recent C. I. O. poster exhibition. Has exhibited at Metropolitan Museum, Downtown Gallery, Newark Museum, Baltimore Museum and in many shows.
- MOLDOVER, DIANA *Instructor, "Soviet Literature" (157)*
B. A., M. A., Brooklyn College. Born in Russia. Graduate work in Russian language and literature, Columbia University. Taught at Brooklyn College and Central Army Induction Station, New York City.
- PAGE, MYRA *Instructor, "Short Story Writing—Elementary" (300)*
B. A., University of Richmond; M. A. Columbia University; Ph. D., University of Minnesota. Taught at University of Minnesota, Wheaton College and N. Y. Writers School. Author of "Moscow Yankee," "Gathering Storm," "Soviet Main Street" and others.
- PRAGO, ALBERT *In charge of Extension Division and Instructor, "Principles of Marxism" (51); "Political Economy I" (52)*
B. S. S., C. C. N. Y. Member of the National Committee, Veterans of the Abraham Lincoln Brigade.
- RUBINSTEIN, ANNETTE T. *Instructor, "The Novel and the People" (151); "Shakespeare's Political Themes" (153)*
B. S., New York University; M. A., Ph. D., Columbia University. Formerly Instructor in Philosophy, Washington Square College. Principal, Robert Louis Stevenson School.
- SCHENCK, MOSS K. *Instructor, "Public Speaking" (90)*
B. S., J. D., New York University. Labor attorney. Member National Lawyers Guild.

No. 14a

[Excerpt from Guide to Subversive Organizations and Publications, H. Doc. 137, 82d Cong., 1st sess., 1951 (p. 67)]

JEFFERSON SCHOOL OF SOCIAL SCIENCE, NEW YORK, N. Y.

1. Cited as an "adjunct of the Communist Party."
(*Attorney General Tom Clark, letter to Loyalty Review Board released December 4, 1947.*)
2. "At the beginning of the present year, the old Communist Party Workers School and the School for Democracy were merged into the Jefferson School of Social Science."
(*Special Committee on Un-American Activities, Report, March 29, 1944, p. 150.*)
3. "This Communist school * * * opened its first term in February of 1944 at 575 Sixth Avenue (New York City) * * * the result of * * * a merger of the Workers School and the School for Democracy."
(*California Committee on Un-American Activities, Report, 1948, pp. 269 and 270.*)

No. 14b

The Four Continent Book Corp. is listed on page 91 of the report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938, as amended, May 1953 as the American agency for Mezhdunarodnaya Kniga (All Union Book Combine) Moscow, U. S. S. R.; W. F. T. U. Publications Ltd., London; and People's China, Hong Kong Distribution Office, Hong Kong.

No. 15

RETURN THIS APPLICATION, WITH FEE, TO BOARD OF EXAMINERS, 110 LIVINGSTON ST., BROOKLYN 2, N. Y.

Failure to comply with the following regulations may prevent acceptance of application.

1. Applications will be accepted only after the official announcement of dates for application. Applications will be bound by all conditions set forth in the official announcement of dates for application. A fee should be obtained by every applicant. A separate application fee is added for each year and for each subject of license. Come every year carefully on each application, give complete details asked for even if you have applied for the same license or any other license before. Failure to do this may, in itself, be considered ground for denial of license.

II.—This application is invalid unless sworn to.

BOARD OF EDUCATION OF THE CITY OF NEW YORK

THE BOARD OF EXAMINERS

APPLICATION FOR LICENSE AS

(Circle out all but the one for which you are applying)

Teacher
Substitute Teacher

of English

(Subject in which license is sought, or mathematics, health education, printing, or give type of class, as night, correspondence, correspondence)

in day high schools
(State level, as day elementary, junior high, day high)

OR FOR

License as

(Use this line only when applying for positions other than that of teacher, as principal, supervisor, etc.)

Date Feb 5 1946

194

Name Holder

PRINT last name

Diana

First name

Male or female? FemaleBy what other name, if any, have you been known? NoneDivorced? (Yes or no) No

(Give details on attached sheet)

If married woman

(Give date of marriage and maiden name)

Age 27Date of birth May 15 1918Country and town of birth Ekaterinoslav UkraineCountry RussiaPermanent address 490 Pennsylvania Ave B'klyn-7-N.Y.

(For city address, include through and postal district number; give complete post office address)

Temporary address (until)

N.B. Notify the Board of Examiners immediately of any change of address; see for acknowledgment

Telephone DI-2-5615

R. distance from N. Y. C. _____ miles

(For applicants coming from a distance to take written test)

File number 133327
Give file number, if any, as required in the Record Division of the Board of Education.

Do you meet the (a) age requirement? yes(b) Citizenship requirement? yes

LEAVE THIS SPACE BLANK

If exempt from age requirement, state reason

Registry No. _____

Present position or employment Substitute teacher

(If unemployed, state that fact)

Social Security No. _____

Draft classification

Answer the following questions by "Yes" or "No." If the answer is "Yes" a written explanation should be attached to this application.

1. Do you claim preferential treatment as a disabled war veteran under Section 21 of the Civil Service Law of the State of New York? No 2. Have you ever been a defendant in any court action? (This question is intended to cover any action whatsoever, no matter how remote or trivial in your judgment, and no matter what the outcome may have been. Such matters as traffic violations, etc., should be included.) No 3. Have you ever been discharged or required to resign from any position? No 4. Have charges ever been preferred against you? No 5. Have you ever resigned or an alternative to facing charges or to dismissal? No 6. Have you ever appeared before the entire Board of Examiners for an interview test (oral English or content) or hearing? No 7. When? No 8. Have you ever been refused license by the Board of Examiners on the ground of intentionally malicious or unsatisfactory record? No 9. Have the Health Standards Committee of the Board of Examiners ever passed on your physical or mental condition? No 10. Have you ever suffered a nervous breakdown or have you ever been treated for a nervous or mental disorder? No 11. Are you now, or have you ever been affiliated with any organization or group endorsing the Communists, Fascists, or Nazi movements? No 12. (If the answer to the foregoing question is "Yes," write on a separate sheet to be attached to this application a full statement of your activities in the organization or group in question.)

The following lines are to be left blank by the applicant, who will continue application on the next page.

L.O.	Col.	Ph.C.	Esp.	El.	B.C.
X-Ray	Courses	V.C.	Age	Ch.	Sign.
Exam. Ann.	<u>DEC 1 1945</u>	Well Test	<u>SEP 1 1945</u>	<u>DEC 1 1945</u>	<u>DEC 1 1945</u>
TESTS	<u>5/10/46</u>	RATINGS	MAX.	VERIFS.	SUMMONED BY
Written	<u>5/10/46</u>	<u>8/10</u>	<u>8/10</u>	<u>8/10</u>	<u>8/10</u>
Interview					
(Int. O.E.)	<u>ON-SATISFACTORY (in English)</u>				
Performance					
Teaching					
Supervision					
Record					
Final Standing					
Recommended for license	<u>RECOMMEND</u>				
Refused because of	<u>NO</u>				
List No.	<u>NOV 6 1945</u>	as of			
(Minutes)					

RECEIVED: ENCL. SAT.

W/10119
2/7/46 RH
Phoned 2/1/46

Abraham J. Satch

NOTE: If more space is needed to supply fully the information sought in this and the next page, attach a sheet or sheets of paper, convenient-size stationary (8½ x 11), heading each sheet with your name and branch sought. Add additional information under appropriate headings.

Other experience by reference to the Public School Systems

(List the three most recent applications)

1. Teacher - Training - April - 1937 *Granted*
(No other names) (When made) (Result)
2. Teacher *Fall - 1940* *Rejected*

EDUCATIONAL AND PROFESSIONAL TRAINING

SCHOOLS ATTENDED; DEGREES HELD

(Postgraduate and extension courses are not to be included in this tabulation.)

School	Address	Attendance		Did you graduate? Yes or No	Degree granted and date
		From	To		
J. H. S. NB	Vermont Wesleyan	1924	1931	yes	
For elementary school					
Then Jefferson H. S.	Dumont - Penn	1931	1934	yes	
High or other military school					
Normal or training school					
B. N. Yn College	Bedford Am. Vt.	1934	1937	yes	BA 1937
Other		1937	1938	no	MA - 1938
Other institutions					

COURSES

List here only those specific courses, whether undergraduate, graduate, or extension courses, which are needed to establish your eligibility. In the description and number the credit hours of coursework, and refer to the order indicated above.

Institution	Name of Course	Credit Hours	Number of		Dates	Nature of Course**
			15-months	Summer Hours		
B. N. Yn College	Shakespeare I.	45	45	3	1934	U
	Shakespeare II.	45	45	3	1936	U
	Milton	45	45	3	1937	U
	Hist. of Eng.	30	30	2	1937	U
	Am. Lit. I.	45	45	3	1934	U
	Am. Lit. II.	45	45	3	1936	U
	Med. Rom.	45	45	3	1936	U
	Med. Drama	45	45	3	1937	U
	Romantic poets	45	45	3	1936	U
	19th C. prose	45	45	3	1936	U
	Victorian poets	45	45	3	1937	U
	Dante	60	60	4	1937	U
	Shelley	30	30	2	1938	U
	Old English	60	60	4	1937	U
	Shakespeare Tragedy	45	45	3	1938	U
	Shakespeare Comedy	30	30	2	1938	U
	Victorian prose	30	30	3	1936	U
	Renaissance	45	45	3	1936	U
	Hist. of Educ.	45	45	3	1935	U
	Educ. Psych.	45	45	3	1936	U
Brooklyn College	Methods - Secondary	60	60	4	1937	U (Teaching)
	Secondary Schools	30	30	2	1938	U
	Special	30	30	2	1939	U
	Education	30	30	2	1935	U
	Education	30	30	2	1936	U

* A, credit hours, semester hours, or "points"

** Indicate undergraduate college courses with a U in this column; graduate courses with a G; courses not carrying graduate credit but in course of requirement for a baccalaureate degree with an E. In the case of other courses make no entry in this column.

† Number of times class met each semester.

U = a course in special pedagogy
E = complete in education

EXPERIENCE

N. B.—The data furnished on this page must be listed chronologically and must leave no gaps in your record of professional experience or your business or trade employment. If unemployed at any time, indicate this fact clearly. If your references are relatives, indicate relationship.

TEACHING EXPERIENCE

Name, Number and Address of School	From	To	Kind	Subjects	Days per Week	Hours per Year	Remarks
1. <u>W. A. L. College</u> <u>W. A. L. College</u>	<u>Sept 1938</u>	<u>Feb 1940</u>	<u>ES Eng</u>	<u>2</u>	<u>90</u>	<u>180</u>	<u>1st year</u>
2. <u>W. A. L. College</u>	<u>Feb 1940</u>	<u>Feb 1941</u>	<u>R Eng</u>	<u>4</u>	<u>180</u>	<u>180</u>	<u>2nd year</u>
3. <u>E. K. Lane</u>	<u>Feb 1940</u>	<u>Feb 1941</u>	<u>IT Eng</u>	<u>6</u>	<u>180</u>	<u>180</u>	<u>3rd year</u>
4. <u>E. K. Lane</u>	<u>Feb 1941</u>	<u>June 1941</u>	<u>S Eng</u>	<u>7</u>	<u>90</u>	<u>180</u>	<u>4th year</u>
5. <u>E. K. Lane</u>	<u>Sept 1941</u>	<u>Feb 1942</u>	<u>S Eng</u>	<u>6</u>	<u>90</u>	<u>180</u>	<u>5th year</u>
6. <u>E. K. Lane</u>	<u>Feb 1942</u>	<u>Apr 1942</u>	<u>S Eng</u>	<u>6</u>	<u>90</u>	<u>180</u>	<u>6th year</u>
7. <u>E. K. Lane</u>	<u>Apr 1942</u>	<u>June 1942</u>	<u>S Eng</u>	<u>7</u>	<u>90</u>	<u>180</u>	<u>7th year</u>
8. <u>E. K. Lane</u>	<u>Sept 1942</u>	<u>Feb 1943</u>	<u>S Eng</u>	<u>6</u>	<u>90</u>	<u>180</u>	<u>8th year</u>
9. <u>E. K. Lane</u>	<u>Feb 1943</u>	<u>June 1943</u>	<u>S Eng</u>	<u>7</u>	<u>90</u>	<u>180</u>	<u>9th year</u>
10. <u>E. K. Lane</u>	<u>Sept 1943</u>	<u>Feb 1944</u>	<u>S Eng</u>	<u>6</u>	<u>90</u>	<u>180</u>	<u>10th year</u>

ADMINISTRATIVE OR SUPERVISORY EXPERIENCE IN SCHOOLS

Position	Name and Address of School	From	To	Name, address and position of person who can best certify to duration and character of your service
1.				
2.				
3.				

SUMMARY: Total teaching and supervisory experience 5 years. (If less than a full year of teaching, state the exact number of days to date of this application days.)

EXPERIENCE IN A TRADE, OR IN CLERICAL WORK, OR IN A PROFESSION OTHER THAN EDUCATION

(Describe in full your employment leaving no gaps; each unpaid service mark a V.)

(PRINT) Employer's Name and Address (State Relationship, if any.)	Capacity in Which Employed	Dates		Hours per Week	Weeks per Year
		From	To		
1. <u>U.S. Signal Corps</u> <u>Newark, N.J.</u>	<u>1st Inspector</u>	<u>Sept 1942</u>	<u>Sept 1943</u>	<u>42</u>	<u>52</u>
2. <u>Four Continent B&K Corp</u>	<u>head of dept</u>	<u>Sept 1943</u>	<u>Oct 1944</u>	<u>37</u>	<u>52</u>
3. <u>Full time student at Columbia</u>	<u>from Oct 1944</u>				
4.					
5.					

The applicant may describe below any additional qualifications (not included in the information called for elsewhere on this form) that would especially fit him for the license for which he is an applicant; or he may use this space for data for which there is insufficient room in other parts of the form. If more space is needed, the applicant should attach to the application a supplementary statement.

Ph.D. - Columbia University to be granted in May 1946.

REFERENCES AS TO CHARACTER AND GENERAL QUALIFICATIONS

N.B.—If an applicant's references fail to reply or if they are incomplete responses to the inquiries of the Board of Examiners, license may be refused the applicant on that ground alone. Hence it is important to give living and competent references. This applies also to references as to experience, given on page three.

Name (Last, first, middle, if any)	Address
Prof. S. Kagan	B. N. Y. Coll. ge.
Dean Adele Bilders	B. N. Y. Coll. ge.
Prof. Clarence Manning	Columbia University 1200 Amsterdam Ave., N.Y.
Mrs. Vera F. Davis	Board of Education, 160 Livingston St., N.Y.
Prof. Joseph Cohen	Graduate Division, B. N. Y. Coll. ge.

CITIZENSHIP

Naturalized citizens and applicants must answer the following questions. If the applicant is a naturalized citizen, he must also answer the following questions.

STATE OF NEW YORK • CITY OF NEW YORK • COUNTY OF Kings

Diana Holmover being duly sworn, deposes and states:

1. That she is the undersigned applicant for license of the public schools of The City of New York.

2. That she has applied to become a citizen of the United States of America, having been born at Russia on May 15, 1918 and

being thereafter a naturalized citizen, having become a naturalized citizen as follows: July 1922

Court Eastern District - Kings

Date of declaration of intention (first paper): 1923 Date of final paper: July 1922

Final papers granted to: 1924 Holmover, L. Garth

3. That under the name of Diana Holmover she was married on May 15, 1918 to Joseph Cohen who has applied to become a citizen of the United States of America, having been born at Russia on May 15, 1918 and

being thereafter a naturalized citizen, having become a naturalized citizen as follows: July 1922

and that she has been a resident of the City of New York for the past five years.

4. That she has been a resident of the City of New York for the past five years.

5. That she has been a resident of the City of New York for the past five years.

6. That she has been a resident of the City of New York for the past five years.

7. That she has been a resident of the City of New York for the past five years.

8. That she has been a resident of the City of New York for the past five years.

9. That she has been a resident of the City of New York for the past five years.

10. That she has been a resident of the City of New York for the past five years.

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18. That she has been a resident of the City of New York for the past five years.

19. That she has been a resident of the City of New York for the past five years.

20. That she has been a resident of the City of New York for the past five years.

21. That she has been a resident of the City of New York for the past five years.

22. That she has been a resident of the City of New York for the past five years.

23. That she has been a resident of the City of New York for the past five years.

24. That she has been a resident of the City of New York for the past five years.

25. That she has been a resident of the City of New York for the past five years.

26. That she has been a resident of the City of New York for the past five years.

27. That she has been a resident of the City of New York for the past five years.

28. That she has been a resident of the City of New York for the past five years.

29. That she has been a resident of the City of New York for the past five years.

30. That she has been a resident of the City of New York for the past five years.

CHARGE OF AFFIDAVIT IN TAKEN ELSEWHERE.

NO. 260580, Vol. 339, # 10115

Seen by clerk at time of application

for T. Cohen in 1937. Substitute license

granted on that basis in 1946.

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HEARING

BEFORE THE

PERMANENT SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE

EIGHTY-THIRD CONGRESS

FIRST SESSION

PURSUANT TO

S. Res. 40

PART 6

DECEMBER 16, 1953

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ARMY SIGNAL CORPS—SUBVERSION AND ESPIONAGE

WEDNESDAY, DECEMBER 16, 1953

UNITED STATES SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
New York, N. Y.

The subcommittee met (pursuant to S. Res. 40, agreed to January 30, 1953) at 10:30 a. m. in room 110, United States Courthouse, Foley Square, Senator Joseph R. McCarthy (chairman of the subcommittee) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin.

Present also: Roy M. Cohn, chief counsel; Francis P. Carr, executive director; and Daniel G. Buckley, assistant counsel.

The CHAIRMAN. The committee will come to order.

Mr. Albert Shadowitz?

Will you stand and raise your right hand. In this matter now in hearing before this committee do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHADOWITZ. I do.

TESTIMONY OF ALBERT SHADOWITZ, ACCOMPANIED BY HIS COUNSEL, VICTOR RABINOWITZ

Mr. RABINOWITZ. Mr. Chairman, can that light be taken off?

The CHAIRMAN. Will you take the light off the counsel.

Mr. Shadowitz, will you give the reporter your full name?

Mr. SHADOWITZ. Albert Shadowitz.

The CHAIRMAN. And that is spelled how?

Mr. SHADOWITZ. S-h-a-d-o-w-i-t-z.

Mr. Chairman, I would like to read a statement I have on the jurisdiction of this body.

The CHAIRMAN. You may read your statement.

Mr. SHADOWITZ. Under the provisions of the Legislative Reorganization Act and the Senate Rules, this committee has no jurisdiction over espionage and I therefore object to the jurisdiction of the committee. To save time and to avoid the necessity of repeating this objection before each answer, may the record show that I object to all questions that may be asked of me in this inquiry on that ground.

The CHAIRMAN. In other words, you object to this hearing on the grounds that you feel the committee does not have the authority to investigate into espionage in any Government agency, is that correct?

Mr. SHADOWITZ. That is correct.

The CHAIRMAN. The objection will be overruled.

You are working for the Kay Electric Co. now?

Mr. SHADOWITZ. Yes.

The CHAIRMAN. That is spelled K-a-y?

Mr. SHADOWITZ. That is correct.

The CHAIRMAN. And you are an engineer?

Mr. SHADOWITZ. Yes.

The CHAIRMAN. And I understand the Kay Electric Co. does some Government work but the majority of its work is not Government work. Is that correct?

Mr. SHADOWITZ. I believe they have no classified Government work. They may have one Government contract.

The CHAIRMAN. And I understand that anyone can get into the plant without a pass. Is that correct?

Mr. SHADOWITZ. I think that is correct.

The CHAIRMAN. Would you know?

Mr. SHADOWITZ. Not for certain.

The CHAIRMAN. Well, do you have any kind of an identification card or pass which allows you to get into the plant?

Mr. SHADOWITZ. No, sir.

The CHAIRMAN. Have you ever done any work for the Signal Corps?

Mr. SHADOWITZ. I personally or the firm I work for?

The CHAIRMAN. You personally.

The SHADOWITZ. I don't quite understand what you mean by that. Do you mean did I work for the Signal Corps or did I work on any job that was ever done for the Signal Corps?

The CHAIRMAN. Let's break it down. First, did you personally ever work for the Signal Corps?

Mr. SHADOWITZ. No, sir.

The CHAIRMAN. Did you work for a firm that did work for the Signal Corps?

Mr. SHADOWITZ. Yes.

The CHAIRMAN. And do you know the classification of that work? Do you know what I mean by classification? Do you know whether it is top secret, secret, confidential, or restricted?

Mr. SHADOWITZ. Some of it was not restricted whatsoever. Some was—I don't know the exact categories. But certainly nothing was over top secret. Nothing was top secret.

The CHAIRMAN. And what year was this work done?

Mr. SHADOWITZ. The work for the Signal Corps?

The CHAIRMAN. Yes.

Mr. SHADOWITZ. Such classified material as was needed for the Signal Corps.

The CHAIRMAN. Just roughly.

Mr. SHADOWITZ. Well, it would fall sometime in the years 1943 to 1951.

The CHAIRMAN. Then you worked for Federal Telecommunication Laboratories for about 8 years; is that correct?

Mr. SHADOWITZ. That is right.

The CHAIRMAN. And your employment there was terminated in 1951?

Mr. SHADOWITZ. That is correct.

The CHAIRMAN. Did you quit or were you discharged?

Mr. SHADOWITZ. I left of my own volition.

The CHAIRMAN. Did you leave while you were under investigation or while loyalty hearings were pending?

Mr. SHADOWITZ. Not to my knowledge.

The CHAIRMAN. So as far as you know, there was no pressure because of any disloyalty or any security risk when you left?

Mr. SHADOWITZ. That is correct.

The CHAIRMAN. And while you were working for Federal Telecommunication Laboratories, you of course had access to classified material?

Mr. SHADOWITZ. Such classified material as was needed for the jobs I was working on.

The CHAIRMAN. And you worked there from 1943 to 1951; is that right?

Mr. SHADOWITZ. That is correct.

The CHAIRMAN. Then did you ever work at the Army's proving ground, where they proved new weapons?

Mr. SHADOWITZ. From 1941 to 1943 I was employed by the United States War Department at the Aberdeen Proving Grounds in Maryland.

The CHAIRMAN. How old are you now?

Mr. SHADOWITZ. I am 38.

The CHAIRMAN. Were you deferred from the draft because of the importance of the work you were doing?

Mr. SHADOWITZ. During the war I had a 2-B classification. I don't remember the exact—I think that was an occupational deferment.

The CHAIRMAN. In other words, because of the importance of the work you were doing, you were classified 2-B, correct?

Mr. SHADOWITZ. Yes.

The CHAIRMAN. At the time you received this deferment, were you a member of the Communist Party?

Mr. SHADOWITZ. I would like to read a very brief statement on this question.

The CHAIRMAN. If you are reading your reasons for not answering, you may; otherwise we will prefer you to answer before you read the statement.

Mr. SHADOWITZ. I am reading my answer.

The CHAIRMAN. You are reading your reason for not answering?

Mr. SHADOWITZ. How do you know whether I am answering or not?

The CHAIRMAN. I am asking you what you are reading. I won't hear any speech from you.

Mr. SHADOWITZ. No, I don't want to make a speech.

The CHAIRMAN. Go ahead and read it.

Mr. SHADOWITZ. In answer to this question, I am going to follow completely the course of action advised by Dr. Albert Einstein, both to every one in general and by personal consultation to me in particular. I refuse to answer this question because it is in violation of the first amendment. I will refuse to answer any question which invades my rights to think as I please or which violates my guaranties of free speech and association. In addition, I specifically wish to object to the jurisdiction of the committee and to deny the right of this committee to ask any questions of me concerning political association.

The CHAIRMAN. You understand, we are not concerned with your political associations. We are investigating espionage today, investigating the infiltration by the Communist conspiracy into plants handling secret work. We do not intend to ask you about your politics. You can rest easy on that. So that part of your statement is completely irrelevant to the investigation.

The question is: At the time you were deferred from the draft, were you a member of the Communist conspiracy?

(The witness conferred with his counsel.)

Mr. SHADOWITZ. Pardon, I think that perhaps the question you are asking me now is somewhat different than the question you actually asked me before. Is that correct?

The CHAIRMAN. I am asking you that question now.

Mr. SHADOWITZ. Will you repeat the present question, please?

Mr. CHAIRMAN. Will the reporter repeat the question for the witness.

(The reporter read from his notes as requested.)

Mr. SHADOWITZ. I refuse to answer that question on the grounds that it is a violation of my rights under the first amendment.

The CHAIRMAN. You are not invoking the fifth amendment, I understand.

Mr. SHADOWITZ. No, sir; I am not invoking the fifth amendment.

The CHAIRMAN. You are ordered to answer.

Mr. SHADOWITZ. I refuse to answer this question on the basis that it is a violation of the first amendment.

The CHAIRMAN. Who advised you how to answer questions here today? Who, other than your lawyer?

Mr. SHADOWITZ. Do you mean who gave me legal advice or who gave me advice in general or indicated a general line of approach, or something of that sort?

The CHAIRMAN. We will include all of them.

Mr. SHADOWITZ. I beg your pardon?

The CHAIRMAN. We will include all of them. I am not including your lawyer, you understand. Who other than your lawyer advised you on how to answer questions?

Mr. SHADOWITZ. I discussed this matter personally with Dr. Albert Einstein at Princeton, and he advised me to do exactly as I am doing right now.

The CHAIRMAN. In other words, you went to Dr. Einstein and he advised you not to answer the questions? Is that right?

Mr. SHADOWITZ. Well, it is not quite as simple as that.

The CHAIRMAN. Well, then, tell us.

Mr. SHADOWITZ. He advised me not to cooperate with this or any other committee of a similar nature. He said that on any question involving my personal beliefs, my policies, my associations with other people, my reading, my thinking, my writing, I should refuse to answer on the basis that it is a violation of the first amendment, that I should not invoke the fifth amendment, that on questions involving espionage I should refuse to answer this committee on the grounds that they do not have the jurisdiction to ask these questions of me, but should then voluntarily on my own make a statement concerning the very questions asked, and this is the plan I propose to follow.

The CHAIRMAN. You mean Dr. Einstein advised you not to tell whether you were a Communist or not when you were working on classified work; is that correct?

Mr. SHADOWITZ. Mr. Einstein, Dr. Einstein, did not ask me whether I am a Communist, did not ask me whether I was a spy. All he knew was that I had been subpoenaed by this committee.

The CHAIRMAN. Well, I am just trying to find out who gave you this advice. Is it correct that Dr. Einstein advised you not to tell the committee whether or not you were a Communist when you were working on classified Government work?

Mr. SHADOWITZ. Not in so many words. He told me more or less about as I have indicated in my previous statement.

The CHAIRMAN. I would suggest that if you do not want to spend considerable time in jail, that you advise with your lawyer rather than Mr. Einstein. But you have a perfect right to advise with whoever you want to.

Mr. SHADOWITZ. I have secured what I believe to be competent legal advice. I feel perfectly secure.

The CHAIRMAN. We won't argue the point. You are ordered to answer the question.

Mr. SHADOWITZ. Yes, sir; I do.

The CHAIRMAN. At the time you were working in Telecommunications Laboratories, handling classified work, did you discuss that work with members of the Communist Party?

Mr. SHADOWITZ. I refuse to answer that question on the basis that it is a violation of my rights under the first amendment.

The CHAIRMAN. In other words, you feel the right of freedom of speech gives you the right to discuss secrets with members of the Communist Party? Is that right?

Mr. SHADOWITZ. What I feel is if I violate any laws whatsoever I should be subject to punishment.

The CHAIRMAN. How about the other—

Mr. SHADOWITZ. I wish to add that I never discussed classified matter, either confidential or classified material, to anyone or with anyone who was not authorized to do so.

The CHAIRMAN. Well, now, you having been a member of the Communist Party, may have thought that your superiors in the party were authorized to receive the information.

Mr. SHADOWITZ. You are making a statement, but you have not in any way—I do not think you have the right to say so at this point.

The CHAIRMAN. Well, if you do not, if you are not, you can tell us.

Mr. SHADOWITZ. Of course I can. But I also cannot tell you if I so desire, and I so desire.

The CHAIRMAN. You say you refuse to tell us whether you were a Communist at that time, No. 1. No. 2, did you ever discuss classified material with members of the Communist Party?

Mr. SHADOWITZ. I discussed classified material only with such people as I was authorized to discuss them with.

The CHAIRMAN. Will you read the question to the witness? You are ordered to answer.

(The reporter read from his notes as requested.)

(The witness conferred with his counsel.)

Mr. SHADOWITZ. I have no other answer to give.

The CHAIRMAN. You are ordered to answer.

Mr. SHADOWITZ. I refuse.

The CHAIRMAN. You are not invoking the fifth amendment?

Mr. SHADOWITZ. No, sir.

The CHAIRMAN. When you were working at Federal Telecommunications, did your union or someone in it at one time propose to write an article dealing with slave-labor camps in Russia, and did you strenuously object to this?

(The witness conferred with his counsel.)

Mr. SHADOWITZ. I refuse to answer that question on the basis that it invades my right under the first amendment.

The CHAIRMAN. Is it not a fact that under orders from the Communist Party you opposed any articles in your union paper dealing with slave labor in Russia, and insisted that the paper write articles dealing with slave labor in the South, specifically, and in the United States generally?

(The witness conferred with his counsel.)

Mr. SHADOWITZ. I refuse to answer that question for the same reason.

The CHAIRMAN. You took orders from the Communist Party in regard to what line your union paper should follow, did you not?

(The witness conferred with his counsel.)

Mr. SHADOWITZ. I refuse to answer that question for the same reason, the first amendment.

The CHAIRMAN. Your union, the UOPWA was expelled from the CIO because it was Communist dominated, was it not?

(The witness conferred with his counsel.)

Mr. SHADOWITZ. I have given no testimony to the fact that I was a member of any union, and I would refuse to do so on the basis that it violates my rights under the first amendment.

The CHAIRMAN. One of the reasons why the CIO decided the UOPWA was Communist dominated was because of the Communists on the executive board, and you were one of those Communists, were you not?

Mr. SHADOWITZ. Mr. Chairman, I have tried to indicate that I will proceed along a general approach to this problem, and I am trying to do so. I see no point at all in trying to circumvent my wish in this matter or try to force me into taking the position that I don't wish to take.

The CHAIRMAN. One of my jobs is to circumvent the wishes of the Communist Party and Communists such as you. So I will act as chairman of this committee, if you do not mind.

Mr. SHADOWITZ. Fine. I was simply answering that. I refuse to answer this question on the basis that it violates my right under the first amendment.

The CHAIRMAN. You are ordered to answer the question and I assume you still refuse?

Mr. SHADOWITZ. Yes; I do.

The CHAIRMAN. As I have said before, you know, it is difficult for the Justice Department, extremely difficult for them to prove espionage beyond a reasonable doubt to a jury. They convicted Alger Hiss not for espionage but for perjury. Likewise, William Remington. One of the things that you Communists are doing which is a great favor to this country, you will remove yourselves from circulation by

convictions for contempt of the committee, and I have no objection at all to your walking straight into the door of a jail if you want to do it.

Mr. SHADOWITZ. Undoubtedly, Senator, you are a smarter man than I am, but I still insist that I have the right to get my legal advice and my commonsense from whatever source I see fit, and I choose to seek mine from people other than you.

The CHAIRMAN. A man by the name of Harry Hyman has been identified repeatedly before this committee as a Communist spy, an espionage agent. Will you tell us how many contacts you had with him while you were working with Telecommunications?

Mr. SHADOWITZ. Will you please define what you mean by contacts?

The CHAIRMAN. Well, what do you understand by contacts?

Mr. SHADOWITZ. I don't happen to have a dictionary on me, but I am sure there are several possible definitions.

The CHAIRMAN. If you don't understand, we will try and explain. Any conversations, personal or by phone, any mail, any telegrams, any communication of any kind with him, any visits you had with him.

Mr. SHADOWITZ. I never kept a real accurate record, and I would find it hard to give any quantitative estimate at this point. But just characterizing it, I would say that over the period of 8 years I saw Harry Hyman and talked to him quite a few times.

The CHAIRMAN. Did you discuss classified Government material with Harry Hyman?

Mr. SHADOWITZ. I was never authorized to discuss classified Government material with Harry Hyman and I never did so.

The CHAIRMAN. You never did so? You never talked to him at all about the work you were doing?

Mr. SHADOWITZ. I never in any way violated or breached any of the security regulations.

The CHAIRMAN. I did not get your answer.

Mr. SHADOWITZ. I said I never in any way violated any of the security regulations.

The CHAIRMAN. In other words, you never discussed any classified material with Hyman; is that correct?

Mr. SHADOWITZ. I would like to read a statement at this time which is rather short.

The CHAIRMAN. First—

Mr. SHADOWITZ. I answered that question.

The CHAIRMAN. First, I did not hear your answer. Please answer it again. Did you ever discuss classified material with Harry Hyman?

Mr. SHADOWITZ. I think the record will show that I have answered that question. But, in the interest of time, I will say "No."

The CHAIRMAN. You never did.

Mr. SHADOWITZ. I would like to add something to that, however.

The CHAIRMAN. You may answer it.

Mr. SHADOWITZ. That after personal consultation with Dr. Albert Einstein, and with his full agreement and approval, I wish to object specifically to the jurisdiction of the committee and to deny the right of this committee to ask any questions of me concerning espionage. I, nevertheless, voluntarily state that I have never engaged in espionage, that I have no personal knowledge of anyone else having engaged in espionage, and that I have no information whatsoever on this sub-

ject for the committee. This answer is given without in any respect waiving my objections to the jurisdiction of the committee.

The CHAIRMAN. On June 1, 1953, did you receive a phone call from Harry Hyman, and at that time did you not discuss secret work? At that time, Hyman—

Mr. SHADOWITZ. To my knowledge—

The CHAIRMAN. Just a minute. I am not finished. At that time Hyman professed to be an insurance salesman.

Mr. SHADOWITZ. To my knowledge I did not speak to Harry Hyman on June 1, 1953. I don't believe I have spoken to Harry Hyman for something of the order of a year and a half.

The CHAIRMAN. Is it your testimony you did not speak to him on June 1, 1953?

Mr. SHADOWITZ. Yes. That is correct.

The CHAIRMAN. We will introduce into the record at this point the telephone slip showing a call, person-to-person call, between Mr. Hyman and Mr. Shadowitz.

(The document referred to was marked "Exhibit No. 16" and will be found in the appendix on p. 282.)

The CHAIRMAN. Did you have a phone call from Mr. Hyman—

Mr. RABINOWITZ. May I see that slip if it is being introduced?

The CHAIRMAN. Certainly.

Did you have a phone call from Mr. Hyman on December 2, 1952?

Mr. SHADOWITZ. Again, I say that I don't think—I will state flatly if I did, I did not speak to him at that time. There might have been a phone call about that time; yes. My insurance policy required another payment about that time, and I believe he did call and spoke to my wife.

The CHAIRMAN. On December 2, 1952?

Mr. SHADOWITZ. I can't state the exact date. I can't remember. I would say there is a possibility. I don't know if there ever was a phone call about that time. But if there was, I would say—

The CHAIRMAN. Before you received clearance to work at—

Mr. RABINOWITZ. May I have just a moment to look at this slip with the witness?

The CHAIRMAN. Yes.

(The witness conferred with his counsel.)

The CHAIRMAN. Will you read that question I started?

(The reporter read from his notes as requested.)

The CHAIRMAN. Before you received clearance to work at Telecommunications, were you asked by anyone whether you were a member of the Communist Party? By anyone in authority at Telecommunications?

Mr. SHADOWITZ. To my knowledge, I don't know whether I did or did not get clearance. Nobody ever informed me that "You have obtained clearance," or anything like that.

The CHAIRMAN. Well, before you received the job?

Mr. SHADOWITZ. I beg your pardon?

The CHAIRMAN. Before you received the job.

Mr. SHADOWITZ. May I have the repeat of that question?

The CHAIRMAN. Before you received your job with Telecommunications, did anyone ask you whether or not you were a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. SHADOWITZ. I refuse to answer this on the basis that it is a violation of my rights under the first amendment.

The CHAIRMAN. You are ordered to answer.

Mr. SHADOWITZ. I refuse.

The CHAIRMAN. Have the record show that on August 8, 1950, a request was made from Federal Telecommunications for secret clearance for this witness, and that this was signed by Mr. Albert Shadowitz. You have given also references when you applied for secret clearance. The names Oscar Chernick, Louis Rothlein, and Louis Perlgut. Were those people working in the Telecommunications lab with you at the time?

(The witness conferred with his counsel.)

Mr. SHADOWITZ. No; they were not.

The CHAIRMAN. Were any of them members of the Communist Party?

Mr. SHADOWITZ. I refuse to answer that question on the basis that it is a violation of the first amendment.

The CHAIRMAN. Did the Communist Party instruct you to apply for this secret clearance?

(The witness conferred with his counsel.)

Mr. SHADOWITZ. I refuse to answer that question on the basis that it is a violation of the first amendment.

The CHAIRMAN. You are ordered to answer.

Mr. SHADOWITZ. I refuse.

The CHAIRMAN. When you were trying to obtain the secret material from Federal Telecommunications, was it for the purpose of turning the information over to anyone either known by you to be an espionage agent or whom you thought might be an espionage agent?

Mr. SHADOWITZ. You opened your statement by saying when I was trying to get that secret information over there. Can you please explain what you mean by that?

The CHAIRMAN. When you applied for the secret clearance.

(The witness conferred with his counsel.)

Mr. SHADOWITZ. I never voluntarily of my own applied for any kind of clearance at all. I never went up to anyone and said, "I want to be cleared," or "I want secret clearance or top-secret clearance or confidential clearance," or anything.

(The witness conferred with his counsel.)

Mr. SHADOWITZ. I just did the work that was assigned to me.

The CHAIRMAN. You understand the question. The question is whether or not at the time you applied for secret clearance—

Mr. SHADOWITZ. I did not apply for secret clearance.

The CHAIRMAN. Well, you signed an application. At the time you signed the application—

Mr. SHADOWITZ. There is quite a difference.

The CHAIRMAN. At the time you signed the application for secret clearance, did you have in mind then that if this secret clearance were granted you would obtain secret material and turn it over to anyone either known to you to be an espionage agent or whom you thought was an espionage agent?

Mr. SHADOWITZ. I have already made a broad statement with relation to espionage, but if you wish I will repeat it.

The CHAIRMAN. You will, please, answer the question.

Mr. SHADOWITZ. That is in answer to the question. I state bluntly, under oath, that I have never engaged in espionage, that I am not aware of espionage on anyone else's part, that I have no information whatsoever on this subject to give to the committee.

The CHAIRMAN. You will answer the question.

Mr. SHADOWITZ. In your words or in mine?

The CHAIRMAN. You will answer the question I have asked you.

Mr. SHADOWITZ. My answer to this question is as follows: After personal consultation with Dr. Albert Einstein, and with—

The CHAIRMAN. I won't hear that over and over.

Mr. SHADOWITZ. Well, I am trying to save time, too, Mr. Chairman.

The CHAIRMAN. You will answer the question.

Mr. SHADOWITZ. I have answered the question. I think I have answered it honestly and fully.

The CHAIRMAN. The question is, At the time you signed the application for secret clearance, did you have in mind turning secret material over to anyone known to you to be an espionage agent or whom you had any reason to believe was an espionage agent?

(The witness conferred with his counsel.)

Mr. SHADOWITZ. No.

The CHAIRMAN. You had confidential clearance, according to this, at the time. Did you ever discuss any confidential information which you obtained with any member of the Communist Party?

(The witness conferred with his counsel.)

Mr. SHADOWITZ. I never discussed confidential material with any person with whom I was not authorized to do so.

The CHAIRMAN. Did you ever discuss any confidential material with a member of the Communist Party?

(The witness conferred with his counsel.)

The CHAIRMAN. That is, regardless of whether you were authorized to do it or not.

(The witness conferred with his counsel.)

Mr. SHADOWITZ. Subject to the answer that I gave before, namely that I never discussed confidential material with any unauthorized person, I refuse to answer this question on the basis that it is a violation of the first amendment.

The CHAIRMAN. You will be ordered to answer.

Mr. SHADOWITZ. I refuse.

The CHAIRMAN. At the time that you had this confidential clearance, was it not general knowledge around the plant that you were considered one of the Communist agitators and that you actually did not deny it at the time, but you made it very clear that you were a member of the party? Is that not the fact?

Mr. SHADOWITZ. I refuse to answer this question on the basis that it is a violation of the first amendment.

The CHAIRMAN. You are ordered to answer it.

Mr. SHADOWITZ. I refuse.

The CHAIRMAN. When the CIO expelled your union because of Communist domination, were you accused by the CIO official of being one of the reasons why the union was expelled, because of your Communist activities?

(The witness conferred with his counsel.)

Mr. SHADOWITZ. I refuse to answer that question on the basis that it is a violation of my rights under the first amendment.

The CHAIRMAN. You are ordered to answer.

Mr. SHADOWITZ. I refuse.

The CHAIRMAN. You will consider yourself under continuing subpoena. For your information, so you can govern yourself accordingly, your case will be first submitted to the full Committee on Government Operations and then to the Senate, with a request that you be recommended for contempt. I assume the Senate will go along with that, and at which time your case will be submitted to a grand jury. You may step down.

Mr. Linfield?

Will you raise your right hand and be sworn? In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LINFIELD. I do.

TESTIMONY OF DAVID LINFIELD, ACCOMPANIED BY HIS COUNSEL, MORTON FRIEDMAN, NEW YORK

Mr. LINFIELD. May I please request that the lights be turned off?

The CHAIRMAN. You may. The lights will be turned off the witness.

Mr. LINFIELD. Senator, I would like to read a statement.

The CHAIRMAN. I cannot hear you.

Mr. LINFIELD. I would like to read a statement, Senator. And may I also request that the flashlights stop?

The CHAIRMAN. All right. The flash pictures will not be taken. You may read your statement. Sit down. Does the statement pertain to the jurisdiction?

Mr. LINFIELD. Yes.

The CHAIRMAN. First let me get your full name.

Mr. LINFIELD. David Linfield.

The CHAIRMAN. Will you spell that?

Mr. LINFIELD. L-i-n-f-i-e-l-d.

The CHAIRMAN. And you are presently in what hospital?

Mr. LINFIELD. Murphy Army Hospital.

The CHAIRMAN. What is your home address?

Mr. LINFIELD. Do you mean where I lived when I was a civilian?

The CHAIRMAN. Yes.

Mr. LINFIELD. 1475 Townsend Avenue.

The CHAIRMAN. What city?

Mr. LINFIELD. New York City.

The CHAIRMAN. When were you drafted?

Mr. LINFIELD. April 10, 1953.

The CHAIRMAN. April 10 of this year. You are now a private in the Army?

Mr. LINFIELD. That is right.

The CHAIRMAN. Stationed where?

Mr. LINFIELD. Murphy Army Hospital.

The CHAIRMAN. Where were you stationed before?

Mr. LINFIELD. I was stationed at Fort Dix, N. J.

The CHAIRMAN. And would counsel identify himself for the record?

Mr. FRIEDMAN. Morton Friedman, 401 Broadway.

The CHAIRMAN. You may read your statement.

Mr. LINFIELD. I object to the jurisdiction of the committee on the following grounds: The committee has no jurisdiction over the subject matter of the inquiry. There is no proper legislative purpose to this inquiry. There is no quorum of the committee present.

The CHAIRMAN. The objection is overruled.

Mr. COHN?

Mr. COHN. Were you employed at the Federal Telecommunications Laboratory, Mr. Linfield?

Mr. LINFIELD. Yes.

Mr. COHN. What were the dates of your employment there?

(The witness conferred with his counsel.)

Mr. LINFIELD. Approximately from January 1952 to December 19, 1952.

Mr. COHN. January 1952 for about a year, in other words, just about the year 1952?

Mr. LINFIELD. Approximately.

Mr. COHN. And when you were working in the Federal Telecommunications Laboratory did you have access to top secret, secret, and top secret material of the Signal Corps?

Mr. LINFIELD. I decline to answer that question on the grounds of the fifth amendment.

The CHAIRMAN. Have the record show that the records of the company show that he had access to secret material.

Mr. COHN. Secret material for the Army Signal Corps.

The CHAIRMAN. Yes; for the Army Signal Corps. Your middle name is LaPorte, L-a-P-o-r-t-e?

Mr. LINFIELD. That is right.

The CHAIRMAN. David LaPorte Linfield. The date of your birth is January 3, 1928; is that correct?

Mr. LINFIELD. No; that is incorrect.

The CHAIRMAN. What is the date of your birth?

Mr. LINFIELD. June 3, 1928.

The CHAIRMAN. I beg your pardon. June 3, 1928. Place of birth, New York City. Is that correct?

Mr. LINFIELD. That is right.

The CHAIRMAN. Social Security No. 054-22-2647?

Mr. LINFIELD. I decline to answer that question.

The CHAIRMAN. You are ordered to answer that question.

(The witness conferred with his counsel.)

Mr. LINFIELD. Yes. 054—I believe it is. I don't have it with me. I believe it is 054-22-2647.

The CHAIRMAN. And your approximate height 6 foot 1, weight 165, hair brown, eyes brown. That is a description of yourself, is it?

Mr. LINFIELD. Well, the weight isn't so accurate any more.

The CHAIRMAN. I guess there is no doubt this is the man who had the secret clearance.

Mr. COHN. Last year when you had secret clearance from the Army Signal Corps, were you a member of the Communist Party?

Mr. LINFIELD. I decline to answer that on the grounds of the fifth amendment.

Mr. COHN. Last year—

Mr. LINFIELD. That no person may be compelled to be a witness against himself.

Mr. COHN. And last year when you had the secret clearance from the Army Signal Corps, were you engaged in espionage against the United States?

Mr. LINFIELD. No.

Mr. COHN. Were you ever engaged in espionage?

Mr. LINFIELD. No.

Mr. COHN. Did you ever discuss any of the material on which you were working with other members of the Communist Party?

Mr. LINFIELD. I decline to answer that on the basis of the fifth amendment, that no person may be compelled to be a witness against himself.

The CHAIRMAN. You are ordered to answer that question.

Mr. LINFIELD. I decline on the grounds I stated, Senator.

The CHAIRMAN. Just so that you will not be able to claim ignorance of the reason for the order at some future legal proceeding, you are informed that when you state that you are not engaged in espionage, you waived the fifth amendment insofar as the area of espionage is concerned. Discussing Government secrets with members of the Communist Party would be in the area of espionage. For that reason, the Chair feels you have no fifth-amendment privilege in regard to that question. That is the reason why you are ordered to answer.

(The witness conferred with his counsel.)

The CHAIRMAN. Will you indicate whether you persist in your refusal?

Mr. LINFIELD. Thank you, Senator, but I decline to take my legal advice from——

The CHAIRMAN. You still refuse to answer?

Mr. LINFIELD. That is right, Senator.

Mr. COHN. Are you a member of the Communist Party today?

Mr. LINFIELD. I decline to answer that on the basis of the fifth amendment, that no person may be compelled to be a witness against himself.

Mr. COHN. When you were handling secret material for the Army Signal Corps last year were you attending Communist cell meetings with other employees at the lab?

Mr. LINFIELD. I decline to answer that on the basis of the fifth amendment, again.

Mr. COHN. Do you know Harry Hyman at the Federal Telecommunications Lab?

Mr. LINFIELD. I decline on the above grounds.

The CHAIRMAN. Did you ever turn any classified material—by that I mean either documents, or word of mouth, or equipment—over to anyone either known to you to be an espionage agent or whom you had reason to believe was an espionage agent?

(The witness conferred with his counsel.)

Mr. LINFIELD. No.

The CHAIRMAN. Did you ever turn any classified material over to Harry Hyman, or discuss any classified material with him?

(The witness conferred with his counsel.)

Mr. LINFIELD. I decline to answer that on the fifth amendment.

The CHAIRMAN. You are ordered to answer.

Mr. LINFIELD. I continue to decline, sir.

The CHAIRMAN. So that you will have the reason for the order, Harry Hyman has been identified before the committee as a full-fledged Communist. He has been named as an underground agent. Therefore, you have no fifth-amendment privilege as to Hyman. You are therefore ordered to answer. Will you indicate whether you persist in your refusal?

(The witness conferred with his counsel.)

Mr. LINFIELD. I do persist; yes, Senator.

The CHAIRMAN. Did you know or have reason to believe that Hyman was an espionage agent?

(The witness conferred with his counsel.)

Mr. LINFIELD. I have no knowledge of any espionage agents or activities.

The CHAIRMAN. Did you know or have reason to believe that Hyman was an espionage agent?

(The witness conferred with his counsel.)

Mr. LINFIELD. I have no knowledge of any espionage activities.

The CHAIRMAN. Will you read the question to the witness?

(The reporter read from his notes as requested.)

(The witness conferred with his counsel.)

Mr. LINFIELD. The same answer, Senator, and the fifth amendment.

The CHAIRMAN. The witness is ordered to answer the question.

(The witness conferred with his counsel.)

Mr. LINFIELD. The same answer, Senator, and the fifth amendment.

The CHAIRMAN. Is it correct, Mr. Linfield, that a member of the Communist Party, in order to remain in good standing in the party, must follow the orders given him by the party, and if he is ordered to turn secret material over to a Communist agent he would have to do that in order to remain a member in good standing?

(The witness conferred with his counsel.)

Mr. LINFIELD. Could you please repeat the question, Senator.

The CHAIRMAN. The reporter will read it to you.

(The reporter read from his notes as requested.)

(The witness conferred with his counsel.)

Mr. LINFIELD. I don't quite understand the question, but I claim the fifth amendment on it, that no person may be compelled to be a witness against himself.

The CHAIRMAN. If you are refusing because you do not understand the question, we will read it over to you until you do understand it. If you are declining on the basis of the fifth amendment, you are ordered to answer it.

Mr. LINFIELD. I refuse to answer on the fifth amendment, sir.

The CHAIRMAN. Again, so there will be no doubt in your mind, no claim at a future time that you did not understand the reason for the order that you answer, you are still within the area of espionage, and you have waived the fifth amendment as to that area. That is the reason for the order that you answer. Having been so informed, will you indicate whether you still refuse to answer?

Mr. LINFIELD. I do, Senator.

The CHAIRMAN. On August 22, 1952, a Mr. Stohldrier, initial W., W. Stohldrier, personnel manager, requested that you be deferred. Before making that request, did he or anyone else in authority ask you whether or not you were a Communist?

Mr. LINFIELD. I decline to answer that, Senator, on the basis of the fifth amendment.

The CHAIRMAN. Before you received secret clearance, did anyone ask you whether you were a Communist?

Mr. LINFIELD. I decline to answer that, Senator, on the basis of the fifth amendment.

The CHAIRMAN. Just one other question: You have 2 brothers and 1 sister?

Mr. LINFIELD. That is correct, Senator.

The CHAIRMAN. One of your brother's first name is Jordan?

Mr. LINFIELD. That is correct, Senator.

The CHAIRMAN. Does he do any work for the Government?

Mr. LINFIELD. I decline to answer that on the basis of the fifth amendment. And I don't think you should ask me questions about my family, Senator.

The CHAIRMAN. Is he a Communist?

Mr. LINFIELD. I decline to answer that on the basis of the fifth amendment.

The CHAIRMAN. Does your other brother work for the Government?

Mr. LINFIELD. I decline on the fifth amendment, on the basis of the fifth amendment.

The CHAIRMAN. You are ordered to answer the question.

Mr. LINFIELD. Please repeat the question, Senator.

The CHAIRMAN. I said, Does your other brother work for the Government?

Mr. LINFIELD. I decline on the basis of the fifth amendment, that no person may be compelled to be a witness against himself.

The CHAIRMAN. Your sister's married name is Weingarten?

Mr. LINFIELD. That is correct, Senator.

The CHAIRMAN. Is either she or her husband working for the Government?

Mr. LINFIELD. I decline to answer that on the basis of the fifth amendment, Senator.

The CHAIRMAN. You are ordered to answer.

Mr. LINFIELD. I decline on the basis of the fifth amendment.

The CHAIRMAN. Do you feel that if you answered the question as to whether or not either of your two brothers or your sister or your brother-in-law were working for the Government, that that would be testifying against yourself, or your answer would tend to incriminate you?

(The witness conferred with his counsel.)

Mr. LINFIELD. I refuse to answer that question on the basis of the fifth amendment.

The CHAIRMAN. I think, to be sure the record is clear, I have ordered you to answer as to all three. I assume you still decline?

Mr. LINFIELD. Yes, Senator.

The CHAIRMAN. Is that correct?

Mr. LINFIELD. Yes, sir.

The CHAIRMAN. That is one way of Communists forcing themselves out of circulation. I assume that party line will change fairly soon when the ranks start to be dissipated.

You will consider yourself under continuing subpoena. You will be informed or your lawyer will be informed if and when the committee wants you again.

Mr. FRIEDMAN. Mr. Chairman, will you make sure that the committee notifies the witness rather than me, or both of us?

The CHAIRMAN. Certainly.

Mr. COHN. Mr. Boudin?

The CHAIRMAN. Mr. Boudin, have you finished consulting with your client?

Mr. COHN. I think he is out in the corridor.

The CHAIRMAN. Ask him if his people are ready.

While we are waiting for Mr. Boudin, may I ask counsel how many, if he knows, witnesses we have had in public session who have been connected with the Signal Corps radar laboratories who have invoked the fifth amendment and refused to answer whether they have been or are Communists on the basis of self-incrimination?

Mr. COHN. Mr. Chairman, we understand that in the relatively short time we have been holding open hearings, 15 witnesses connected with radar and with the Signal Corps have invoked the fifth amendment.

The CHAIRMAN. May I suggest that in view of the fact that Kay Electric Co. is doing Government work, that they be informed that their employees who appeared this morning and who invoked the fifth amendment, I think they should be asked whether or not they will follow the rule that General Electric adopted, namely, to immediately suspend any fifth-amendment cases. If not, the Government contracting officer who has given them the work should be notified.

Dan, will you do that this afternoon?

Mr. BUCKLEY. I will take care of it, sir.

The CHAIRMAN. Let me know what the answer to that is.

Mr. Snyder?

Mr. BOUDIN. May we have the lights turned out, please.

The CHAIRMAN. Turn the light off the witness.

Will you stand and raise your right hand, Mr. Snyder? In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SNYDER. I do.

TESTIMONY OF SAMUEL JOSEPH SNYDER, ACCOMPANIED BY HIS COUNSEL, LEONARD B. BOUDIN

The CHAIRMAN. Mr. Cohn?

Mr. COHN. May we have your full name, please, Mr. Snyder?

Mr. SNYDER. Samuel Joseph Snyder.

Mr. COHN. S-n-y-d-e-r?

Mr. SNYDER. Yes, sir.

Mr. COHN. Where do you reside, sir?

Mr. SNYDER. 2141 34th Avenue, Long Island City.

Mr. COHN. What is your occupation?

Mr. SNYDER. I am a patent attorney.

Mr. COHN. When were you admitted to the bar?

Mr. SNYDER. 1932.

Mr. COHN. In New York?

Mr. SNYDER. In Washington—

Mr. BOUDIN. Excuse me a second. Can we have these pictures not taken?

The CHAIRMAN. Mr. Photographer, the rule is that no pictures be taken.

Mr. COHN. You say you were admitted in Washington, D. C. Is that correct?

Mr. SNYDER. Yes, sir.

Mr. COHN. Is that where you practice, customarily?

Mr. SNYDER. I do not practice law in the usual sense, sir. I am a patent attorney. I have practiced only before the Patent Office. I should make that distinction, I think, because one could practice before the Patent Office without being admitted to the bar.

Mr. COHN. How about in your case? Were you ever admitted to the bar?

Mr. SNYDER. Yes; I said I was, in Washington in 1932.

Mr. COHN. But customarily, your practice is primarily before the Patent Office?

Mr. SNYDER. Yes, sir. Never anywhere else.

Mr. COHN. Mr. Snyder, have you ever worked for the Signal Corps?

Mr. SNYDER. Yes.

Mr. COHN. Could you give us the dates of your employment by the Signal Corps, the first day you were there and the day of our final termination?

Mr. SNYDER. The first day, I believe, was April 15, 1949. To the best of my knowledge the last day, officially, was March 6, 1951. Don't hold me to those precise dates.

Mr. COHN. When did you resign from the Signal Corps, on what date?

Mr. SNYDER. The date of my resignation, I believe, was October 14, 1952.

Mr. COHN. The date of your resignation, as best you recall, was October 14, last year, 1952. Is that right?

Mr. SNYDER. Yes, sir.

Mr. COHN. Mr. Snyder, prior to your resignation did you have a loyalty hearing by the Army?

The CHAIRMAN. May I interrupt, Mr. Cohn? Some of the members of the press have asked whether we are having a public hearing this afternoon so they can plan their work accordingly. I can inform you now that we will have a public session this afternoon which will be at 3 o'clock. We will also have an executive session. Counsel suggests we make that 2:30. We will try and make that as soon after 2:30 as possible. It won't be later than 3.

Mr. COHN. Mr. Snyder, prior to your resignation from the Signal Corps, did you have a loyalty hearing by the Army?

Mr. SNYDER. I had a loyalty security hearing, I believe.

Mr. COHN. Loyalty security hearing?

Mr. SNYDER. Yes, sir.

Mr. COHN. Was that initiated by a notice of suspension that you received?

Mr. SNYDER. I am not too sure of Signal Corps procedure to give you that kind of an answer, but what I will say is this, that at that time I was suspended. I mean, I don't know the—

Mr. COHN. You were suspended. That is all right. After your suspension, charges were preferred; is that right?

Mr. SNYDER. Yes, sir.

Mr. COHN. Charges concerning Communist affiliation?

Mr. SNYDER. Charges were preferred; yes, sir.

Mr. COHN. Would you speak up a little, by the way?

Mr. SNYDER. I thought I was talking pretty loudly.

Mr. COHN. Mr. Snyder, after these charges were preferred, did you have a hearing before the First Army, the regional loyalty board of the First Army?

Mr. SNYDER. Yes, sir.

Mr. COHN. And what was their finding?

Mr. SNYDER. They found against me.

Mr. COHN. And did you appeal that finding to the screening board of the Office of the Secretary of the Army?

Mr. SNYDER. I appealed. I don't know the official titles of those boards.

Mr. COHN. Well, the appeal was to the screening board of the Secretary of the Army. And what was the finding of the appeal board in the Secretary's office?

Mr. SNYDER. They found that there was no ground for—no reasonable ground, no reasonable doubt, I think they said—of my loyalty, and that there was no basis for considering me a security risk.

Now, I am not quoting them, I am trying to give you the substance.

Mr. COHN. They held in your favor?

Mr. SNYDER. Yes, sir.

Mr. COHN. And they ordered you reinstated?

Mr. SNYDER. Yes, sir.

Mr. COHN. Can you give us the approximate date of that order?

Mr. SNYDER. Approximately the order was dated—I think I remember it to be May 27, 1952. Approximately, may I say.

Mr. COHN. That is all right.

And then that order came down and then later on that year, in October, you voluntarily resigned from the Signal Corps?

Mr. SNYDER. May I expand my answer a little?

Mr. COHN. Surely.

Mr. SNYDER. That was the date of the letter I received giving me that decision. It had to go through channels. I actually did not receive that letter until some time in September, I think. I don't know what the hitch was, whether I had planned a vacation or was going on vacation. But actually, I couldn't come to the Signal Corps and effectuate this decision until October 13. And when I came on October 13, I said that I wished to be reinstated for the record, but wished to resign as of practically that time.

Mr. COHN. In other words, you waited until you had a favorable ruling, until you were cleared, and exonerated, and then that having become a matter of record, you then resigned voluntarily?

Mr. SNYDER. Yes, sir.

Mr. COHN. If I have this correctly, you were suspended on loyalty security charges, you had your hearing before the First Army Regional Board which held against you, held that you were a security risk, you took an appeal and the appeal board in the Secretary's Office found in your favor, and in whatever terminology they might use, directed that you be reinstated. After their order was made a matter of record and you had that in your favor on the record, you then proceeded to resign. Is that right?

Mr. SNYDER. Yes, sir; that is right.

Mr. COHN. Was any disposition made concerning back pay?

Mr. SNYDER. Yes. The letter that I received giving the decision of this screening board stated in effect that I was entitled to back pay. The disposition I made at the time, though, was that I told the Signal Corps I did not want back pay and they said that would have to be done by signing a waiver.

Now, actually, I don't remember what the waiver said. Some clerk there typed up a waiver and I signed it.

The CHAIRMAN. One moment, please. Just so the record is correct, the reason you didn't accept the back pay was because you were not entitled to it unless you were making less money while you were out of the Signal Corps than while you were in it. And you were actually making the same amount so you were not entitled to any pay. Is that not correct?

Mr. SNYDER. I should correct one thing I said.

The CHAIRMAN. I think you should.

Mr. SNYDER. Because the answer—when you asked me did the decision provide for back pay, I should have said "Yes," it provided for back pay, and the rule is, as I understand it, that you are entitled to back pay, you are entitled to the difference in the back pay for that period and your earnings for that period, actual earnings. Then what you say is correct. I calculated that my earnings were close, somewhat less but close, to what I would have earned at the Signal Corps. I, therefore, and for other reasons, too, waived.

The CHAIRMAN. I received the impression from what you have said that you were being generous in——

Mr. SNYDER. No; pardon me.

The CHAIRMAN. Let me finish, please. Is it not a fact that you went to the Signal Corps officer and showed him the letter, and said you were entitled to back pay and he explained to you that unless you were making less money during your suspension you would not be entitled to it, and at that time you told him that you were making just as much money outside as you were inside, and he said you were not entitled to back pay. Isn't that the situation?

Mr. SNYDER. No, sir; Senator, you are entirely wrong. I did not do that, and to the best of my recollection I received a telephone call from the Signal Corps asking me my intentions. I think I at that time told them. I am not going to swear to that, but that is my recollection. I had long before reaching the Signal Corps decided not to take back pay. It wasn't something I argued out with them.

Mr. COHN. Anyway, the situation was that you were suspended on the loyalty security charges, the regional board found against you, it was reversed by the Secretary's screening board, which ordered you reinstated with back pay, which back pay you waived under the explanation we have had here, and following all this you gave in your voluntary resignation.

Mr. SNYDER. Yes, sir. And I am willing to say I was not entitled to it.

Mr. COHN. To the back pay?

Mr. SNYDER. Yes, sir.

Mr. COHN. Now, Mr. Snyder, I want to go directly to some of these allegations concerning Communist affiliation, and ask you have you ever known a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. BOUDIN. Did you ask whether the witness was ever a member of the Communist Party?

Mr. COHN. No; my question was if the witness had ever known any member of the Communist Party. I will ask the other one for you.

Mr. BOUDIN. You will? All right.

Mr. SNYDER. What was it?

Mr. COHN. The question was, Have you ever known any member of the Communist Party?

Mr. SNYDER. I will plead the fifth amendment to that question.

Mr. COHN. Specifically, have you been closely associated with Eleanor Nelson, a leading member of the Communist Party?

(The witness conferred with his counsel.)

Mr. SNYDER. I think that my interpretation of "closely associated" might not be yours. I think you should explain that a little.

Mr. COHN. Well, suppose you answer—all right. We will forget about that. Let's put it this way: Have you lived in Eleanor Nelson's home?

(The witness conferred with his counsel.)

The CHAIRMAN. That would be fairly close.

Mr. SNYDER. No; I have not.

Mr. COHN. You have never resided with Eleanor Nelson?

(The witness conferred with his counsel.)

Mr. SNYDER. As I said, I never lived in her house.

The CHAIRMAN. The question is, Did you reside with her? I believe we concede that to be fairly close association.

(The witness conferred with his counsel.)

Mr. SNYDER. Of course you people want to make fun, but you are ruining my life. I want this to be straight. My answer is, as you know, that Eleanor Nelson stayed in my home as a guest for a few weeks about 1941 or the end of 1941, over the Christmas season, probably a week or two, in 1942.

The CHAIRMAN. May I interrupt, Mr. Snyder? You are talking about ruining your life. The job of digging out Communists—

Mr. SNYDER. I am only asking you, Senator, to treat me fairly and be serious.

The CHAIRMAN. Just a minute. The job of digging out Communists is not a pleasant one for us. We are working all day and all night. My staff is working 19 to 20 hours a day. If people like you would come in and frankly answer the questions, tell us whether you knew Communists, tell us about the activities of those Communists, that would be one thing. If you would want to tell the FBI all you know about any Communist, the Communists you knew while you were working for the Government, it would not be necessary to have you before this committee. You are here before this committee because you do what so many individuals have been doing: You completely disregard your duty to this country. You refuse to answer, you refuse to give us the information which the FBI needs, which the Justice Department needs. So if your life is ruined, Mister, it is you who is ruining it.

(The witness conferred with his counsel.)

Mr. SNYDER. I would like to say a word to that. I don't feel that I have ever done anything to the detriment of my country and I have done a great deal for it.

The CHAIRMAN. You were given a full chance in executive session to tell us what you knew about Communists, were you not? And you refused. We had you in a secret session.

Mr. SNYDER. Yes, sir.

The CHAIRMAN. Your name was not given out at that time. We told you that all we wanted from you was the information which you had about the Communist movement. You relied upon the fifth. We asked you whether or not your house was used as a mail drop for Communists. In other words, whether that was a way station for couriers. You refused to give that information.

So do not come before us and cry about your life being ruined.

Mr. SNYDER. Wait a minute, Senator. Let's get this straight. I did not refuse to answer that question.

The CHAIRMAN. Well, let us check the record and see if you will answer it today, then.

Mr. COHN. The question is now, when Eleanor Nelson was staying in your house, did you know that Eleanor Nelson was a leading member of the Communist Party?

Mr. BOUDIN. That is the same question. That is not the question the Senator asked, Mr. Cohn.

The CHAIRMAN. This is the question counsel asked. We will get to all the questions.

Mr. BOUDIN. Very well.

(The witness conferred with his counsel.)

The CHAIRMAN. May I say, Mr. Snyder, if you are willing to go into executive session and give us this information, the information we asked for the other day, and talk freely, we would be glad to do that. If you are willing to give the FBI the information which you have it would not be necessary for you to appear at a public session. Let me ask you this question:

Are you willing at this time to give the FBI or give this committee in executive session all the information which you have about the Communist Party or any members of that party, or do you insist upon relying upon the fifth amendment?

(The witness conferred with his counsel.)

Mr. SNYDER. Well, I will tell you my honest answer is that I am already here and all the incidents of a public hearing which are, as you know, very bad, are going to occur. So I guess I might as well go through with it.

The CHAIRMAN. May I say that I have no sympathy for you at all.

Mr. SNYDER. I know that.

The CHAIRMAN. You had in your home a person who is active, according to information, as a courier for the Communist Party. How many people died, how many young men died in Korea, because people like you refused to give us information, God only knows. So you have no sympathy for this committee, none whatsoever.

Mr. SNYDER. I testified before——

The CHAIRMAN. Will you answer counsel's question? There is a question before you now.

Mr. COHN. The question was, When Eleanor Nelson was staying in your house, did you know she was a leading member of the Communist Party?

Mr. SNYDER. No, sir.

Mr. COHN. Did you attend Communist meetings with Eleanor Nelson?

Mr. SNYDER. I plead the fifth amendment. I also want to say in answer to a question that was really asked me by the Senator, that I have no knowledge that Eleanor Nelson ever used my home, as the Senator puts it, as a mail drop for espionage activities. I certainly have no belief that that was done.

The CHAIRMAN. Did you know that she was a Communist at the time she was living in your home?

(The witness conferred with his counsel.)

Mr. SNYDER. I will plead the fifth amendment?

The CHAIRMAN. Did you know that she was receiving mail at your home?

(The witness conferred with his counsel.)

Mr. SNYDER. I don't remember, but I certainly think that she probably—it certainly seems to me that she would not have a key to my mailbox, being a guest.

The CHAIRMAN. Do you know whether she did or not?

Mr. SNYDER. To the best of my recollection, she did not.

The CHAIRMAN. Are you willing to give us the names of people whom you saw at Communist Party meetings?

(The witness conferred with his counsel.)

Mr. BOUDIN. Could we have the question repeated?

(The reporter read from his notes as requested.)

Mr. SNYDER. I never admitted I was at Communist meetings. Did I? I mean I haven't at this hearing admitted it.

The CHAIRMAN. Mr. Snyder, I will ask you now, then, Were you at Communist Party meetings? If you were not, you simply say "No."

(The witness conferred with his counsel.)

Mr. SNYDER. I will plead the fifth amendment to that.

The CHAIRMAN. Did you tell the loyalty board that you had attended Communist Party meetings?

(The witness conferred with his counsel.)

Mr. SNYDER. I don't think I can recall, accurately, how questions were put at those hearings.

The CHAIRMAN. Were you sworn when you testified before the loyalty board? Did you testify under oath?

Mr. SNYDER. When was that?

The CHAIRMAN. When you testified before the loyalty board.

Mr. SNYDER. Yes, sir.

The CHAIRMAN. In other words, you swore to tell the truth, the whole truth, and nothing but the truth; is that correct?

Mr. SNYDER. I suppose so.

The CHAIRMAN. Did you tell the loyalty board the truth, the whole truth, and nothing but the truth, about any associations that you had with members of the Communist Party?

(The witness conferred with his counsel.)

Mr. SNYDER. I believe that I am not required to say here what went on at previous confidential hearings, and——

The CHAIRMAN. And what?

Mr. SNYDER. Well, that is my answer.

The CHAIRMAN. You are ordered to answer.

(The witness conferred with his counsel.)

The CHAIRMAN. First, before you answer, let me ask you this question: Did you ever discuss those confidential hearings with any members of the Communist Party?

Mr. SNYDER. I never discussed those hearings with anybody whom I knew or thought to be a member of the Communist Party.

The CHAIRMAN. Did you ever discuss them with Nelson?

(The witness conferred with his counsel.)

Mr. SNYDER. I never discussed these hearings with Eleanor Nelson, and I have not seen Eleanor Nelson for many years, even previous to these hearings.

The CHAIRMAN. You were asked whether you told the truth, the whole truth, and nothing but the truth, as you were sworn to do before the loyalty board when you appeared there. You are ordered to answer that question.

(The witness conferred with his counsel.)

Mr. SNYDER. I decline to answer that question on the grounds that these hearings were confidential hearings and that I think this committee has no jurisdiction to inquire into that, and on the further ground of the fifth amendment.

The CHAIRMAN. You are entitled to refuse if you think the answer might tend to incriminate you. That is the only ground upon which you are entitled to refuse. I understand you are invoking that portion of the fifth amendment which provides that you need not testify against yourself if you feel your evidence might tend to incriminate you.

(The witness conferred with his counsel.)

Mr. SNYDER. I understand that the fifth amendment says that no person may be required to give evidence against himself—

The CHAIRMAN. If that person feels that his evidence will tend to incriminate him.

Mr. SNYDER. In a criminal case, and I am relying on that portion of the fifth amendment.

The CHAIRMAN. You are entitled to it.

Now, when the loyalty review board heard your case, were you personally present or did they merely go over the file?

Mr. SNYDER. I am sorry, I didn't hear you.

The CHAIRMAN. When the review board at the Pentagon heard your case, were you personally present to testify, or did they merely examine the record previously made?

Mr. SNYDER. No; I was personally present.

The CHAIRMAN. Did they ask you whether a Communist had been living in your home?

(The witness conferred with his counsel.)

The CHAIRMAN. Did they ask you that question?

Mr. BOUDIN. Give me a moment, Senator.

The CHAIRMAN. Certainly.

(The witness conferred with his counsel.)

Mr. SNYDER. I decline to answer that question, the reasons for which I gave previously, namely, that the hearing was a confidential Army matter, and secondly, that I believe the committee has no jurisdiction to inquire into that matter, and, thirdly, on the ground of the fifth amendment.

The CHAIRMAN. Do you think the committee lacks jurisdiction to inquire into Communist infiltration of Government agencies or espionage? Is that your thought?

(The witness conferred with his counsel.)

Mr. BOUDIN. Could you repeat the question?

The CHAIRMAN. Repeat the question.

(The reporter read from his notes as requested.)

(The witness conferred with his counsel.)

Mr. SNYDER. That is my belief on the advice I am given.

The CHAIRMAN. Do you think there is any committee that might have that authority? If so, I would be glad to refer you to them. Do you feel any other committee has the authority?

(The witness conferred with his counsel.)

Mr. SNYDER. No, Senator, I haven't made a study of these things.

The CHAIRMAN. I am just curious to know whether there is some committee or board before which you will talk. How about a grand jury? Would you be willing to go before a grand jury and give the names of anyone whom you knew to be a Communist? You would be a great help if you would give the names of all those who attended the Communist meetings. We have some of the names. You would be an additional witness if you wanted to help your country. Would you be willing to go before the grand jury and do that? If so, I will be glad to refer you over immediately.

(The witness conferred with his counsel.)

Mr. BOUDIN. Is there a question, Senator?

The CHAIRMAN. Yes. I asked him whether he would be willing to give his testimony to a grand jury. He says he won't give it to this committee because he doesn't think that we have jurisdiction. I say if we find a board which has jurisdiction, and I am sure he will concede a grand jury has, would he be willing to give the grand jury the information he refused to give us?

Mr. BOUDIN. I take it you want the witness' answer; not mine.

The CHAIRMAN. Not yours. If we want yours, we will put you under oath.

Mr. BOUDIN. I meant my legal opinion, Senator.

Mr. SNYDER. Naturally I have no opinions on that.

The CHAIRMAN. Would you give a grand jury the information which you are refusing to give us, on the basis of the fifth amendment and on the basis of lack of jurisdiction?

(The witness conferred with his counsel.)

Mr. SNYDER. Well, I can make no decision as to that. I have merely stated an objection and that is as far as I am prepared to go.

The CHAIRMAN. You are ordered to answer the question as to whether or not the loyalty board asked you whether or not there was living in your home a person known to you to be a member of the Communist Party.

(The witness conferred with his counsel.)

The CHAIRMAN. Will you indicate whether you persist in your refusal?

Mr. SNYDER. I decline to answer that for the reasons I gave.

The CHAIRMAN. Who sat on the loyalty board which cleared you?

(The witness conferred with his counsel.)

Mr. SNYDER. I believe the members were a Mr. Clement—

The CHAIRMAN. Mr. Clement?

Mr. SNYDER. A Mr. Condon and a Mr. Culimore.

The CHAIRMAN. C-u-l-i-m-o-r-e?

Mr. SNYDER. C-u-l-i-m-o-r-e.

Mr. COHN. Is this an appeal board?

Mr. SNYDER. The Senator said the loyalty board.

Mr. COHN. Which found against you? I am sorry, the Senator said the board which cleared you.

Mr. SNYDER. You better give me that question again.

Mr. COHN. This is the board which found against you, is it not, the board on the lower level?

Mr. SNYDER. Do you want to give me that question again?

The CHAIRMAN. Just answer counsel's question. You gave us three names. Are those the names of the men who found against you on the first loyalty board?

Mr. SNYDER. No, sir.

The CHAIRMAN. What board was this?

Mr. SNYDER. This was a loyalty board, I believe, of the Second Civil Service Region.

The CHAIRMAN. Was that the board to which you finally appealed?

Mr. SNYDER. No; that was the first hearing.

The CHAIRMAN. How many boards did you appear before?

Mr. SNYDER. Three.

The CHAIRMAN. This board found against you?

Mr. SNYDER. No, sir; they found for me.

The CHAIRMAN. They found for you?

Mr. SNYDER. Yes, sir.

The CHAIRMAN. Is this the one you finally appealed to?

Mr. SNYDER. No, sir.

The CHAIRMAN. Let's get the procedure first. First you were suspended by your commanding officer; correct?

Mr. SNYDER. Well, not first, really. First I had a loyalty—

The CHAIRMAN. You gave us the names of a loyalty board that heard your case when you were working for another agency; is that right? This loyalty board had nothing to do with these charges we are talking about today?

Mr. SNYDER. Yes.

The CHAIRMAN. Is that correct?

Mr. SNYDER. No. This board gave me my first hearing when I worked at the Signal Corps.

The CHAIRMAN. Was this before you were suspended?

Mr. SNYDER. Yes, sir.

The CHAIRMAN. All right. Now, I think you understand what we are talking about.

Mr. SNYDER. I understand.

The CHAIRMAN. We are now talking about the boards which heard your case after you were suspended. I now ask you to give us the names of the individuals who sat on the top board that finally cleared you.

Mr. SNYDER. I didn't understand you. The names of those persons were Gordon D. Taft.

The CHAIRMAN. He was the chairman?

Mr. SNYDER. Chairman; yes, sir. There was a Lieutenant Colonel Hodges.

The CHAIRMAN. H-o-d-g-e-s?

Mr. SNYDER. Yes, sir.

The CHAIRMAN. Do you know what his first name was?

Mr. SNYDER. No, sir.

The CHAIRMAN. And who else?

Mr. SNYDER. There were two other members, but I don't remember now.

The CHAIRMAN. Please refresh your recollection and send the information to the committee.

Mr. SNYDER. I will let you know.

The CHAIRMAN. I might say I am more curious about what caused that board to clear you than your own activities at that time. I am curious to know what information you gave them, what caused them to clear you, did they know about your association with Communists. Did they ask you about your attendance at Communist meetings? Did they know about that, No. 1, and did they ever ask you about it?

(The witness conferred with his counsel.)

Mr. SNYDER. I have to decline to answer that for the reasons I have given before in connection with those questions.

The CHAIRMAN. Does that include the fifth amendment?

Mr. SNYDER. Yes, sir.

The CHAIRMAN. You are ordered to answer.

(The witness conferred with his counsel.)

Mr. SNYDER. I decline—

The CHAIRMAN. Let us separate the question into two parts. First, you will be ordered to answer the question of whether or not they asked you about any alleged Communist associations of yours, about any allegations that you attended the Communist meetings.

(The witness conferred with his counsel.)

The CHAIRMAN. You are ordered to answer that question.

Mr. BOUDIN. Excuse me a second.

(The witness conferred with his counsel.)

The CHAIRMAN. Unless the witness speeds up a bit, we will have to adjourn and call him back this afternoon.

Mr. BOUDIN. I think we can move rather quickly, Senator.

Mr. SNYDER. I decline to answer the question for the three reasons which I gave.

The CHAIRMAN. Now you are ordered to answer the other half of the question, namely, whether or not you gave the board any information in regard to any Communist associations, or your attendance at any Communist meetings.

Mr. SNYDER. I decline to answer for the same three reasons.

The CHAIRMAN. You have received copies of the loyalty hearings, did you? Did you receive copies of the loyalty hearings?

Mr. SNYDER. My attorney received copies.

The CHAIRMAN. Who was your attorney?

Mr. SNYDER. My attorney was Mr. Murray A. Gordon.

The CHAIRMAN. Murray A. Gordon?

Mr. SNYDER. Yes, sir.

The CHAIRMAN. You are ordered to produce the copies.

Mr. BOUDIN. Senator, so that there may be no misunderstanding on the record, if you will recall, in the executive session Mr. Gordon represented the witness before some of those loyalty boards, but I do not believe that Mr. Gordon presently has the records. They are physically in my possession. I did not want any misunderstanding

to be raised here, and the witness declined in the executive session, as he does now, to produce them. If they are sought to be produced, then it is requested that a subpoena duces tecum be served on the witness, as I suggested to the Senator in executive session, and that the Senator agreed to, so we can make an appropriate motion in courts to vacate the subpoena duces tecum.

The CHAIRMAN. The order of the Chair is sufficient. He is ordered to produce the records.

Mr. BOUDIN. The witness declines on the three grounds, that he is entitled to a subpoena duces tecum so he can make an appropriate motion in the Federal district court.

The CHAIRMAN. I am inclined to think that if you feel that failure to serve a subpoena duces tecum upon him would deny you any legal right which you otherwise would have I would see no objection to serving that subpoena.

Mr. BOUDIN. And can you give us time so we can make an appropriate motion?

The CHAIRMAN. I do not think we will give you time, but we will give your client adequate time.

Mr. BOUDIN. Thank you very much, Senator.

The CHAIRMAN. How much time do you want, Mr. Snyder, to refresh your recollection on the names of the other two members of the Board?

(The witness conferred with his counsel.)

Mr. BOUDIN. I think we can let you know that tomorrow. I will telephone that information in to Mr. Cohn.

The CHAIRMAN. Mr. Snyder, did you ever discuss your case with members of the Board individually?

Mr. SNYDER. No, sir.

The CHAIRMAN. In other words, you never went to any member of the Board, and none of the members of the Board ever came to you? You did not phone them, or anything like that, about your case?

Mr. SNYDER. No.

The CHAIRMAN. The only contact you had with the Board was when you appeared before it at the hearing?

Mr. SNYDER. Of course.

The CHAIRMAN. Is that correct?

Mr. SNYDER. Yes.

The CHAIRMAN. Mr. Snyder, you will consider yourself under continuing subpoena, and counsel will be notified if you are wanted to return.

The committee will recess until 2:30, or thereabouts, this afternoon.

(Whereupon, at 12:25 p. m., the committee was recessed, to reconvene at 2:30 p. m. the same day.)

AFTERNOON SESSION

The CHAIRMAN. The committee will come to order.

Mr. COHN. Mr. Glassman, please.

The CHAIRMAN. Mr. Glassman, will you raise your right hand? In this matter now in hearing before this committee do you solemnly swear to tell the truth, the whole truth, and nothing but the truth?

Mr. GLASSMAN. I do.

TESTIMONY OF SIDNEY GLASSMAN, ACCOMPANIED BY HIS
COUNSEL, LEONARD B. BOUDIN

Mr. BOUDIN. May we have the lights turned off?

The CHAIRMAN. Turn the lights off the witness.

Mr. COHN. May we get your full name, please.

Mr. GLASSMAN. Sidney Glassman.

Mr. COHN. G-l-a-s-s-m-a-n?

Mr. GLASSMAN. That is right.

Mr. COHN. And where do you reside, Mr. Glassman?

Mr. GLASSMAN. 4721 215th Street.

The CHAIRMAN. Speak louder, sir. I can't hear you.

Mr. GLASSMAN. 4721 215th Street.

Mr. BOUDIN. Senator, may I make a brief statement, legal statement as to our objections to the committee's jurisdiction?

Mr. COHN. Let him make it.

Mr. BOUDIN. Mr. Glassman will read it.

Mr. GLASSMAN. I object to the committee's jurisdiction—

The CHAIRMAN. You will have to speak louder, sir. I can't hear you.

Mr. GLASSMAN. I object to the committee's jurisdiction on the grounds that it is limited under the Legislative Reorganization Act of the Senate rules to fiscal matters. Two, I have already been examined in executive session and therefore no legislative purpose is served by the public session. Three, the purported investigation of the crime is a judicial matter and outside the jurisdiction of Congress under the Constitution—doctrine of separation of powers.

The CHAIRMAN. Do I understand you take the position that this committee does not have the right to investigate into espionage and Communist infiltration of Government agencies handling secret material?

Mr. GLASSMAN. I do.

The CHAIRMAN. Is that your position?

Mr. GLASSMAN. Yes.

The CHAIRMAN. I assume that you will refuse to answer certain questions. I may say that if there is any other tribunal before which you would be glad to answer them—in other words, if you are willing to give the information to the FBI or to a grand jury, we will be glad to transfer your matter over to such a place.

Mr. COHN. Mr. Glassman, were you military personnel in the Army Signal Corps at one time?

Mr. GLASSMAN. Yes. I was a soldier in the Army Signal Corps.

Mr. COHN. Signal Corps, is that right?

Mr. GLASSMAN. Yes.

Mr. COHN. At that time were you a member of the Communist Party?

Mr. GLASSMAN. I must decline to answer that question.

The CHAIRMAN. A little louder. I cannot hear you.

Mr. GLASSMAN. I must decline to answer that question under the privilege of the fifth amendment.

The CHAIRMAN. May I ask you this: You objected to the jurisdiction of the committee. Would you be willing to tell the FBI or a grand jury whether you were a Communist, part of the Communist

conspiracy, at the time you were handling secret material for the Signal Corps?

(The witness conferred with his counsel.)

Mr. GLASSMAN. I am sorry, Senator. Did you say something about secret material?

The CHAIRMAN. Did you handle classified material?

Mr. GLASSMAN. I don't think I ever did.

The CHAIRMAN. Did you have access to classified material?

Mr. GLASSMAN. I don't think so.

The CHAIRMAN. Do you know?

(The witness conferred with his counsel.)

The CHAIRMAN. Do you know whether you had access to classified material?

Mr. GLASSMAN. I don't think I ever had any access to classified material.

The CHAIRMAN. Well, is there any committee or any branch of the executive to which you would be willing to give the information about whether you were a Communist, and if so, your Communist connections, Communist friends?

(The witness conferred with his counsel.)

Mr. GLASSMAN. I believe I previously asserted the privilege in this hearing, Senator.

The CHAIRMAN. I cannot hear you.

Mr. GLASSMAN. I said I previously asserted the privilege in this hearing.

The CHAIRMAN. Will you, please, turn the microphone around so I can hear you?

Mr. GLASSMAN. I said I previously asserted the privilege in this hearing and I stand on it.

Mr. COHN. Can you tell us the names of any persons still connected with the Signal Corps either as military or civilian personnel who are members of the Communist Party?

(The witness conferred with his counsel.)

Mr. GLASSMAN. I just don't know. I haven't seen anybody that I was connected with in the Signal Corps for a long time.

The CHAIRMAN. Could you speak a little louder, sir?

Mr. GLASSMAN. I said, "I just don't know."

Mr. COHN. Your answer is you don't know.

The CHAIRMAN. You mean at this time you don't know any members of the Communist Party in the Signal Corps?

(The witness conferred with his counsel.)

Mr. GLASSMAN. I didn't know anybody in the Communist Party in the Signal Corps.

Mr. COHN. You do not. Are you a member of the Communist Party today?

Mr. GLASSMAN. I stand on my privilege.

Mr. COHN. Have you attended Communist meetings within the last year with any people who worked for the Signal Corps?

(The witness conferred with his counsel.)

Mr. GLASSMAN. I have never attended any meetings with anybody in the Signal Corps.

Mr. COHN. Have you attended Communist meetings during the last year with anyone working for the United States Government?

(The witness conferred with his counsel.)

Mr. GLASSMAN. I decline to answer that on my privilege under the fifth amendment.

Mr. COHN. Have you at one time worked for the United Nations?

Mr. GLASSMAN. Yes; I did.

Mr. COHN. Was that for the Secretariat?

Mr. GLASSMAN. Yes.

Mr. COHN. When was that? From when to when?

Mr. GLASSMAN. From about 1946 to 1952.

The CHAIRMAN. Couldn't you speak a little louder, sir?

Mr. GLASSMAN. From 1946 to 1952.

Mr. COHN. Until when in 1952?

Mr. GLASSMAN. December. I believe it was December 1952.

Mr. COHN. To about a year ago; is that right?

Mr. GLASSMAN. That is right.

Mr. COHN. While you were with the United Nations, what was your function, what department?

Mr. GLASSMAN. Economics.

Mr. COHN. In the Economic Division?

Mr. GLASSMAN. That is right.

Mr. COHN. And while you were with the United Nations, that is, from 1946 until December of 1952, were you a member of the Communist Party?

Mr. GLASSMAN. I decline to answer that on the grounds I stated previously.

Mr. COHN. Would you repeat the grounds for us?

Mr. GLASSMAN. On the basis of the privilege of the fifth amendment.

Mr. COHN. Since you left the United Nations, you have not held Government employment, I assume?

Mr. GLASSMAN. No; I haven't.

Mr. COHN. You have been doing private work during the past year?

Mr. GLASSMAN. Yes.

Mr. COHN. Not in any way connected with the Government or the Signal Corps?

Mr. GLASSMAN. No.

Mr. COHN. And you won't tell us whether or not you are a Communist as of today?

Mr. GLASSMAN. That is right.

Mr. COHN. I have nothing further, Mr. Chairman.

The CHAIRMAN. You have invoked the fifth amendment on the answer to various questions. Do I understand that you are invoking that part of the fifth amendment which provides that an individual need not be a witness against himself if he feels that his testimony will incriminate him? Is that the portion of the fifth amendment you are invoking?

(The witness conferred with his counsel.)

Mr. GLASSMAN. I am invoking that part which says no witness can be compelled to testify against himself.

The CHAIRMAN. The part of the fifth amendment, I assume, that you are referring to is the part which provides that an individual may not be a witness against himself if he feels that his testimony might tend to incriminate him?

(The witness conferred with his counsel.)

The CHAIRMAN. Is that the section you are invoking?

(The witness conferred with his counsel.)

The CHAIRMAN. Is that the section you are invoking?

Mr. GLASSMAN. I am advised by counsel that the Constitution does not contain that language.

The CHAIRMAN. Well, do you feel if you were to tell us today whether you are a Communist, when you were working for the Government, whether you are a Communist as of today, that that would be testifying against yourself?

(The witness conferred with his counsel.)

Mr. GLASSMAN. Within the meaning of the constitutional privilege.

The CHAIRMAN. I can't hear you.

Mr. GLASSMAN. I said within the meaning of the constitutional privilege.

The CHAIRMAN. All right. You are entitled to refuse, then.

Mr. COHN. I have nothing further, Mr. Chairman.

The CHAIRMAN. Just 1 minute. Will you instruct the witness, Mr. Boudin, that he is under continuing subpoena, and if and when we want him again we will give you sufficient notice.

Mr. BOUDIN. Very well.

The CHAIRMAN. Mr. Stolberg.

Will you raise your right hand, sir. In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. STOLBERG. I do.

TESTIMONY OF SIDNEY STOLBERG, ACCOMPANIED BY HIS COUNSEL, SOLOMON GOLAT

Mr. STOLBERG. Will you have the lights turned off, please?

The CHAIRMAN. Will you turn the lights off the witness?

Mr. GOLAT. I believe the witness would like to make a motion directed to the jurisdiction of this committee.

Mr. COHN. Could we have your name for the record, please?

Mr. STOLBERG. Sidney Stolberg.

Mr. COHN. S-t-o-l-b-e-r-g?

Mr. STOLBERG. That is right.

The CHAIRMAN. And your address?

Mr. STOLBERG. 27 North Rockdale Avenue, Roseville, N. J.

The CHAIRMAN. Will you identify your counsel, also?

Mr. STOLBERG. Mr. Solomon Golat.

The CHAIRMAN. Before you start reading your statement, do you mind if we have your identity established? Am I correct in this, that No. 1, you, yourself, have never worked for the Signal Corps?

Mr. STOLBERG. That is right.

The CHAIRMAN. And you, yourself, have never lived in Monmouth, N. J.? Is that correct?

Mr. STOLBERG. Monmouth, N. J.?

The CHAIRMAN. Or in Eatontown?

Mr. STOLBERG. No; I never have.

The CHAIRMAN. I may say before you read your statement, you are being called here today for one specific reason, because of the evidence which we have in regard to your activities in the Shore Branch of the Communist Party which, according to the testimony, was organized for the purpose of infiltrating the secret radar laboratories and acting as an espionage unit for the Communist Party. You are

not here today because of any work you did for the Government, but rather because of your activities in this Communist unit organized for the purpose of committing espionage. Just so you will have that clearly in mind, you may read your statement now objecting to the jurisdiction of the committee.

Mr. STOLBERG. I wish to make a motion to object to the jurisdiction of this committee. I object to the jurisdiction of this committee for the following reasons: One, no authority is granted by the rules of the Congress of the United States or by the statutes to investigate into or ask me questions about those matters about which I have already answered questions at an executive session held this last Monday of this committee.

From these answers it is abundantly clear that I have committed no act of espionage or anything relating to espionage.

The CHAIRMAN. That, of course, is incorrect.

Mr. STOLBERG. From the transcript of the testimony taken at this executive session, it is also clear that this committee has no valid interest on or legitimate purpose in asking questions about the egg business, in which I am in, in the State of New Jersey, because that subject is outside the scope of the investigative authority granted this committee by law.

Two, I challenge the right of this committee to put on a repeat performance for benefit of the newspapers, of testimony taken at this executive session last Monday, and I challenge the right of the committee to ask questions that are merely repetitive.

The CHAIRMAN. May I interrupt you there? As I recall, you objected to the executive session Monday and said that you, yourself, wouldn't like what you called a star court procedure, you wanted to be heard in public session. That is one of the reasons why you were called back. Do I understand as of today you object to the public session?

Mr. STOLBERG. Mr. Chairman, will you read to me in the statement from the testimony I made where I made such a statement?

The CHAIRMAN. Is it your contention that you did not?

Mr. STOLBERG. I did not.

The CHAIRMAN. If you claim you do not, I will take your word for it. I have had so many fifth-amendment Communists before this committee that objected first to the executive session and then objected to the public session, I may have you confused.

Mr. STOLBERG. I object to the whole business, truthfully.

The CHAIRMAN. You may object.

Mr. STOLBERG. Three, I object to the jurisdiction of the committee and I challenge the right of this committee to investigate into the subject of my beliefs, opinions and thoughts and associations, both on the grounds that such an investigation is outside the limits of the authority granted by Congress and violates the first amendment of the Constitution of the United States. Thank you.

The CHAIRMAN. Does that complete your objection?

Mr. STOLBERG. Yes.

The CHAIRMAN. Do you feel that this committee does not have the jurisdiction to investigate espionage and Communist infiltration of those departments in the Government which are handling secret material?

(The witness conferred with his counsel.)

Mr. STOLBERG. Have you completed, Mr. McCarthy, your statement or question?

The CHAIRMAN. Will you repeat the question to the witness, Mr. Reporter.

(The reporter read from his notes as requested.)

Mr. STOLBERG. I stated my objection in a motion, Mr. Chairman.

The CHAIRMAN. You refuse to answer that question?

Mr. STOLBERG. I answered it by stating that I stated it in the motion I made.

The CHAIRMAN. Did you take part in organizing the shore branch of the Communist Party?

(The witness conferred with his counsel.)

Mr. STOLBERG. I decline to answer that question.

The CHAIRMAN. On what ground?

Mr. STOLBERG. On the grounds of the fifth amendment. I refuse to be a witness against myself.

The CHAIRMAN. Is it true that the shore branch is a unit of the Communist Party which was organized for the purpose of infiltrating the secret radar laboratories at Fort Monmouth and furnishing secret data to the Communist Party?

Mr. STOLBERG. I am not an expert on this matter, Mr. McCarthy, and therefore I have to refuse to answer it, on the basis of the fifth amendment, again, because this represents the only protection I have in such a proceeding.

The CHAIRMAN. Of course if you did not take part in or organizing this espionage unit, you can simply say, "No; I did not." If you took part in this criminal conspiracy you are obviously entitled to the fifth amendment, even though your party is dedicated to the destruction of our Constitution.

Now, I will ask you the question: Did you take part in organizing a branch or a cell of the Communist Party, whose function was to infiltrate the secret radar laboratories and commit espionage for international communism?

Mr. STOLBERG. In the testimony, Mr. Chairman, that I gave at the executive session, I indicated clearly to the committee that I have never committed espionage or anything related to it.

The CHAIRMAN. Answer the question.

Mr. STOLBERG. Again I must use the fifth amendment, because I refuse to testify against myself.

The CHAIRMAN. Did you have in your employ for approximately 4 years a man named Louis Kaplan?

Mr. STOLBERG. Yes; I did.

(The witness conferred with his counsel.)

The CHAIRMAN. Did you know that he was—

Mr. STOLBERG. May I ask a question, please? Did you mean in the employ of the cooperative, not personally employed by me?

The CHAIRMAN. What is your title?

Mr. STOLBERG. I am the manager.

The CHAIRMAN. Give the title of the corporation.

Mr. STOLBERG. Of the New Jersey Federated Egg Producers' Cooperative Association, Inc.

The CHAIRMAN. Was there working under you a Mr. Louis Kaplan?

Mr. STOLBERG. Yes; there was.

The CHAIRMAN. Are you aware of the fact that he has been named as an undercover agent of the Communist Party?

Mr. STOLBERG. I became aware of that fact in the executive session, Mr. Chairman.

The CHAIRMAN. Did you have any reason to believe prior to the disclosure in executive session that Louis Kaplan was a Communist?

(The witness conferred with his counsel.)

Mr. STOLBERG. I have to decline to answer that, Mr. Chairman, on the grounds of the fifth amendment.

The CHAIRMAN. When you say the grounds of the fifth amendment, am I correct in assuming each time, without the necessity of wasting time and repetition, that you are referring to that section of the fifth amendment which provides that no man need be a witness against himself if he feels his testimony might tend to incriminate him? Is that the section you invoke?

(The witness conferred with his counsel.)

The CHAIRMAN. I may say that is the only section of the fifth amendment upon which you will be allowed not to answer.

Mr. STOLBERG. I am relying, Mr. Chairman, on that portion of the fifth amendment which says that I need not be a witness against myself.

The CHAIRMAN. And you feel if you answered that question you would be a witness against yourself?

Mr. STOLBERG. That is a matter of interpretation. The use of the fifth amendment is for the innocent. At least that is my understanding, isn't it, Mr. Chairman?

The CHAIRMAN. No. If a man is innocent, he need not take advantage of the fifth amendment. The fifth amendment is for the purpose of providing that a man guilty of a crime need not send himself to jail.

(The witness conferred with his counsel.)

The CHAIRMAN. If you are not guilty of any crime, you do not need the protection of the fifth amendment. Is it correct when you refuse to answer that question about Kaplan you feel that your answer would constitute testimony against yourself?

Mr. STOLBERG. It may. Yes; it may. And for the reason——

The CHAIRMAN. Not that it may. Do you feel that would be testimony against yourself?

Mr. STOLBERG. I don't know. I am not a lawyer. Let me ask my lawyer.

(The witness conferred with his counsel.)

Mr. STOLBERG. Will you please repeat the question?

Mr. COHN. Read the question.

The CHAIRMAN. The reporter may have difficulty finding it now. Let me repeat the question as well as I can recall it.

At the time Louis Kaplan was in your employ did you know that he was a member of the Communist Party?

Mr. STOLBERG. I already answered that, I think.

The CHAIRMAN. Answer it again, please, if you will.

Mr. STOLBERG. I decline to answer that question on the basis of the fifth amendment.

The CHAIRMAN. Did you know that he was an important functionary of the Communist Party?

Mr. STOLBERG. I would have to give the same answer, since it seems to me to be the same question.

The CHAIRMAN. When you said on the basis of the fifth amendment, again I ask, are you referring to that part of the fifth amendment which provides that you need not be a witness against yourself if you feel that your testimony might tend to incriminate you? Is that the section?

Mr. STOLBERG. I am referring to that portion of the fifth amendment which says that I need not be a witness against myself.

The CHAIRMAN. You are entitled to refuse, then.

Do you belong to an organization, namely, the Communist Party, which is dedicated to the destruction of our Constitution, which would include the destruction of the fifth amendment?

Mr. STOLBERG. I decline to answer that question on the same basis I used before.

The CHAIRMAN. It is rather an unusual thing to allow you fifth-amendment Communists to come before this committee and hide behind the fifth amendment. You are dedicated to the destruction of our entire Constitution. We nevertheless allow you to hide behind amendments to that Constitution. The amendment was intended for the protection of the individual. You are using it, sir, to protect a conspiracy against this country. Perhaps that situation can be remedied.

Let me ask you this—

Mr. STOLBERG. Mr. Chairman, will you—

The CHAIRMAN. Did you know a man named Marcel Ullmann?

Mr. STOLBERG. To the best of my recollection, no.

The CHAIRMAN. Did you ever meet Ullmann?

Mr. STOLBERG. To the best of my recollection, no.

The CHAIRMAN. Did you know whether or not Louis Kaplan was engaged in espionage while he was working for you?

Mr. STOLBERG. I decline to answer that question.

(The witness conferred with his counsel.)

Mr. STOLBERG. One moment, please.

(The witness conferred with his counsel.)

Mr. STOLBERG. I decline to answer that question because I have no knowledge, as I have stated prior to this, at this session and the previous session, to any espionage or anything related to espionage, so how could I have knowledge of this person you talk about.

The CHAIRMAN. You are ordered to answer.

(The witness conferred with his counsel.)

The CHAIRMAN. It is a very simple question. Did you know that Kaplan was engaged in espionage while he was working for you?

(The witness conferred with his counsel.)

Mr. STOLBERG. I had no knowledge of the commission of any kind of espionage by anybody.

The CHAIRMAN. You are ordered to answer the question.

Mr. STOLBERG. I thought I just did. Will you repeat the question?

The CHAIRMAN. Will the reporter repeat the question?

(The reporter read from his notes as requested.)

The CHAIRMAN. You can answer that question "Yes" or "No."

Mr. STOLBERG. If life were only so simple as that.

The CHAIRMAN. Well, either you did or did not know that he was engaged in espionage.

Mr. STOLBERG. May I say just a word; no speech?

The CHAIRMAN. You may answer at any length you care to.

Mr. STOLBERG. You see, when I came before the committee's executive session, Mr. Chairman, I came without an attorney. In fact, it is on your advice that I have one here today, if you recall.

The CHAIRMAN. That is right.

Mr. STOLBERG. And my attorney tells me, and legitimately so, and I appreciate his position, that "saying the wrong thing," and I put that in quotations, could establish a link which would involve me in a criminal action of which I am innocent. There could be a stool-pigeon or an informer produced whose word would be taken—as it has, I understand from the newspapers, in the past—in the courts. Therefore, you put me, an ordinary citizen, in a position where you make it impossible for me to say and to answer what you call simple questions. There are no simple questions.

The CHAIRMAN. The question is, Did you know whether or not Louis Kaplan was engaged in espionage while he was on your payroll? (The witness conferred with his counsel.)

The CHAIRMAN. Either you know it or you did not know it.

Mr. STOLBERG. To the best of my knowledge, Mr. Chairman, neither Louis Kaplan nor anybody else you may name in this connection was connected with espionage in any form.

The CHAIRMAN. Was he a member of the Communist Party while he was on your payroll?

Mr. STOLBERG. I think we have been through that twice. I decline that on the basis of the fifth amendment.

The CHAIRMAN. Is it correct that a member of the Communist Party, if he is to maintain his position of good standing in the party, must obey the orders of the party; that if the Communist Party orders a member to obtain any secret material to which he has access, and give the material to an espionage agent he must do it, or he would be subject to expulsion from the party?

Mr. STOLBERG. I am no expert on this, Mr. McCarthy.

The CHAIRMAN. Do you know whether that is true or not?

Mr. STOLBERG. Do I know whether all you just said now is true?

The CHAIRMAN. Yes. Have you heard that discussed at Communist meetings? Don't you know those are the orders of the party?

Mr. STOLBERG. One question at a time, please, so that I can answer them to the best of my ability.

The CHAIRMAN. All right.

Mr. STOLBERG. To the question—

(The witness conferred with his counsel.)

Mr. STOLBERG. Will the reporter please repeat the beginning of this question?

The CHAIRMAN. Yes.

(The reporter read from his notes as requested.)

(The witness conferred with his counsel.)

Mr. STOLBERG. Mr. Chairman, I am no authority, I started to say before, on this matter, and I simply refuse to express an opinion about it. If you were to force me to answer the question or ordered me to answer the question, I would have to refuse to answer it on the basis of the fifth amendment.

The CHAIRMAN. Are you refusing on the basis of the fifth amendment?

Mr. STOLBERG. Yes.

The CHAIRMAN. Have you attended meetings of the Communist Party at which this particular matter was discussed?

Mr. STOLBERG. I decline to answer that question.

The CHAIRMAN. On what basis?

Mr. STOLBERG. On the basis of the fifth amendment.

The CHAIRMAN. Do you object to people who know something about the Communist conspiracy, who know something about espionage, giving that information to the FBI, to a grand jury, or to this committee? Or do you think they have a duty to give such information to the proper authorities?

Mr. STOLBERG. Mr. Chairman, I object to the entire philosophy that appears to me to be behind this kind of a proceeding. Therefore, I must necessarily, from a purely personal point of view, object to the kind of tactics that I have read about in the newspapers.

The CHAIRMAN. Now let's get back to the question. You referred to a stoolpigeon. Let's assume that John Jones knows about espionage by Communist agents directed against his own country, this country. Would you say that he should give that information to a grand jury, to the FBI?

Mr. STOLBERG. Are you referring to espionage as the statutes provide for espionage?

The CHAIRMAN. I refer to espionage, sabotage, Communist activities.

Mr. STOLBERG. As the statutes provide it, not in any interpretation that anybody may have given to it since it was written into the law?

The CHAIRMAN. Membership in the Communist Party, you understand, is a crime, if the member knows that the party is teaching and advocating the overthrow of this Government by force and violence. Let me ask you a simple question: If a man knows of espionage, espionage as defined by our statutes and interpreted by the courts, if he knows of Communist infiltration of secret plants, do you think he should give that information to a grand jury or to the FBI or to a properly constituted committee? There is nothing too difficult about that question.

(The witness conferred with his counsel.)

Mr. STOLBERG. I think—if I had knowledge, Mr. Chairman, of any espionage, I would certainly not keep it a secret. I would turn it over to the proper authorities, whomever they may be.

The CHAIRMAN. Will you read the question to the witness? You are ordered to answer the question. I know you may lose favor with the Communist Party, but you are ordered to answer it anyway.

Mr. STOLBERG. Peculiarly enough, this doesn't bother me.

The CHAIRMAN. Will you answer that question?

(The witness conferred with his counsel.)

Mr. STOLBERG. Mr. Chairman, with respect to my own behavior, I know what I would do, and I have stated it. With respect to somebody else's behavior, I am not so sure that I would like to venture an opinion on such a matter.

The CHAIRMAN. Well, mister, we are going to insist that you do in view of the evidence that you are part of a group organized to in-

filtrate the secret radar laboratories for the purpose of espionage. In view of that I am going to order you to answer that question. I cannot make you answer it.

(The witness conferred with his counsel.)

Mr. STOLBERG. Mr. Chairman, if you are trying to set a trap for me in this thing, which I am afraid that you may be, then I simply have to refuse to answer that on the basis of the fifth amendment because I refuse to testify as a witness against myself.

The CHAIRMAN. You are entitled to refuse on that ground.

I am going to suggest, on what the counsel suggested, I want to arrange to have Mr. Kaplan here tomorrow morning at public session, at 10:30. You are instructed that you will consider yourself under continuing subpoena. If the committee wants you we will notify you or your counsel. Then you shall return.

Just one question before you leave: Is this cooperative of which you are the manager tax-exempt?

Mr. STOLBERG. I answered that at the executive session.

The CHAIRMAN. Answer it now.

Mr. STOLBERG. Yes; it is tax-exempt.

The CHAIRMAN. And you are the manager?

Mr. STOLBERG. I am.

The CHAIRMAN. What is the name of the co-op?

Mr. STOLBERG. New Jersey Federated Egg Producers Cooperative Association, Inc.

Mr. CHAIRMAN. How much tax-exempt business do you do each year?

Mr. STOLBERG. Am I under oath, at this point, Mr. Chairman?

The CHAIRMAN. You are under oath at this point.

Mr. STOLBERG. We do a gross volume of about \$5 million a year. Now, not all of that is tax-exempt, however. The breakdown I am not in a position to give you. I don't know.

The CHAIRMAN. Does the membership of the co-op know that you are a functionary of the Communist Party?

Mr. STOLBERG. I decline to answer that, Mr. Chairman, for the reason I have stated before, on a number of occasions.

The CHAIRMAN. You may step down now.

The next witness?

Mr. COHN. Is Mr. Fish here?

The CHAIRMAN. He may not be, because he said he would have difficulty getting back before 4 o'clock. It is a quarter to 4 o'clock.

We will take a short recess until he comes. Mr. Buckley will keep track of the time. In the meantime we will go into executive session in the other room.

Mr. Reporter, will you come in and take the executive session testimony? We will resume the public session as soon as Attorney Fish and his client appear.

(Whereupon, at 3:44 p. m. the committee recessed open hearing to go into executive session; after which, at 3:50 p. m., hearing in open session was resumed.)

The CHAIRMAN. The committee will come to order, please.

Mr. COHN. Mrs. Levine.

Mr. FISH. I would like to request that the lights be put out and no cameras used.

The CHAIRMAN. There will be no pictures while she is testifying. We will turn the lights off the witness.

Will you raise your right hand and be sworn? In this matter now in hearing before the committee, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. LEVINE. I do.

**TESTIMONY OF RUTH LEVINE, APPEARING WITH HER COUNSEL,
MORRIS FISH, NEW YORK**

Mr. COHN. May we get your full name, please?

Mrs. LEVINE. Ruth Levine.

Mr. COHN. Will you talk up louder?

Mrs. LEVINE. Ruth Levine.

Mr. COHN. Where do you reside?

Mrs. LEVINE. 155 West 20th Street.

Mr. COHN. I didn't hear a word you said. Put that microphone up next to you.

Mrs. LEVINE. 155 West 20th Street, Manhattan.

The CHAIRMAN. 155 West 20th Street?

Mrs. LEVINE. That is right.

Mr. COHN. Mrs. Levine, you received your request to appear before this committee a few days ago, I believe it was the end of last week; is that right?

Mrs. LEVINE. Yes; sometime last week.

Mr. COHN. And at the time you received the request to appear before the committee were you working at the Federal Telecommunications Laboratory?

Mrs. LEVINE. Yes.

Mr. COHN. Did you have clearance to work on classified Government material?

Mrs. LEVINE. Yes; I did.

Mr. COHN. And did you have that for some 10 years past?

Mrs. LEVINE. I don't know how long I had it.

Mr. COHN. You don't know the exact date of issuance of the clearance?

Mrs. LEVINE. No; I don't.

Mr. COHN. You had been doing work on Government work; is that correct?

Mrs. LEVINE. Some.

Mr. COHN. Mr. Chairman, I would like to insert in the record at this time a statement from the Federal Telecommunications Laboratory to the effect that at the time Mrs. Levine was called before the committee last week she was cleared for top secret work; that that clearance had been issued by the services on March 29, 1950.

The CHAIRMAN. That is the highest clearance that any worker can get; is that right?

Mr. COHN. That is the highest clearance possible.

(The statement referred to above was marked "Exhibit No. 17" and will be found in the appendix on p. 283.)

The CHAIRMAN. I knew we did put this into the record, but do we have a definition of "top secret" here as adopted by the military?

Mr. COHN. We don't have that here, Mr. Chairman.

The CHAIRMAN. In any event she is cleared to view the topmost secrets that the military has, or that any other branch of the Government has; is that correct?

Mr. COHN. Yes. It is the highest possible clearance.

The CHAIRMAN. And under this clearance there is nothing that would be denied this witness?

Mr. COHN. Nothing at all, Mr. Chairman.

Now, Mrs. Levine, are you a member of the Communist Party?

Mrs. LEVINE. I decline to answer that on the grounds of the fourth and fifth amendments.

Mr. COHN. And while working for the Federal Telecommunications Laboratory, did you discuss with members of the Communist Party your work at the Federal Telecommunications Laboratory?

Mrs. LEVINE. Pardon me.

(The witness conferred with her counsel.)

Mrs. LEVINE. I decline to answer on the same grounds.

Mr. COHN. While working for the Federal Telecommunications Laboratory, did you engage in espionage?

(The witness conferred with her counsel.)

Mrs. LEVINE. No; I never engaged in espionage at any time.

Mr. COHN. First of all I will ask you this.

The CHAIRMAN. In view of this answer, Mr. Cohn, the witness will be ordered to answer the last question. The last question dealt with the field of espionage.

(The witness conferred with her counsel.)

Mrs. LEVINE. I don't understand the question.

The CHAIRMAN. You can consult with counsel as freely as you care to.

(The witness conferred with her counsel.)

Mrs. LEVINE. I decline to answer on the same grounds.

Mr. COHN. To which question are you entering your declination?

Mrs. LEVINE. Would you repeat your question?

The CHAIRMAN. I cannot hear you.

Mrs. LEVINE. Would you repeat your question?

The CHAIRMAN. Mr. Cohn, I wonder if you would go back and repeat your question on espionage generally so that we are sure there is a waiver of the fifth amendment there. Then we will go into details of the alleged espionage conducted by this person.

Mr. COHN. Have you ever engaged in espionage?

Mrs. LEVINE. No.

Mr. COHN. Have you ever engaged in a conspiracy with other persons to commit espionage?

Mrs. LEVINE. I decline to answer on the grounds of the fourth and fifth amendment.

The CHAIRMAN. You decline to answer that. Well, then, the Chair will have to revoke his order, I fear. You say that you never engaged in espionage yourself, but you decline to answer whether or not you engaged in a conspiracy with others to commit espionage; is that correct?

(The witness conferred with her counsel.)

Mrs. LEVINE. That is right.

The CHAIRMAN. And you are invoking the fifth amendment in that?

Mrs. LEVINE. That is right.

The CHAIRMAN. She is entitled to the privilege.

Mr. COHN. Following the call to appear before this committee, were you summoned before the security officer of the Federal Telecommunications Laboratory?

Mrs. LEVINE. It was at the same time.

Mr. COHN. Yes. It was at the same time. You were notified by him that you had been directed to appear before this committee; is that correct?

Mrs. LEVINE. That is correct.

Mr. COHN. And were you advised by him that if you were to resort to a fifth amendment in answer to questions concerning communism and conspiratorial activities in connection with espionage, that action would be taken against you at once?

Mrs. LEVINE. Well—

(The witness conferred with her counsel.)

Mrs. LEVINE. Just part of that. I don't recall the once.

Mr. COHN. Pardon me?

Mrs. LEVINE. Most of what you said is, to the best of my knowledge, what was said about the time.

Mr. COHN. That is what was said?

Mrs. LEVINE. Yes.

Mr. COHN. And following that, did you submit your resignation?

Mrs. LEVINE. Yes; on Monday, I sent in a letter of resignation.

Mr. COHN. That was on Monday of this week; is that right?

Mrs. LEVINE. That is right; on December 14.

The CHAIRMAN. Just so the record is clear, after you were called to appear before this committee, you were called in by the security officer and you were told at that time that you had to appear before the committee, and you were also told that if you took advantage of the fifth amendment and refused to tell whether you are a Communist or not, that you would be discharged?

Mrs. LEVINE. No; the way Mr. Cohn said it.

The CHAIRMAN. Well, were you told you would be discharged?

Mrs. LEVINE. No; the way Mr. Cohn stated it is how I was told.

The CHAIRMAN. Are you the security officer, and was she told that she would be discharged if she took the fifth amendment?

Mr. CHASEN. She might have misunderstood.

The CHAIRMAN. In other words, you gave her to understand that you would not contenance anyone handling secret material taking advantage of the fifth amendment; is that correct?

Mr. CHASEN. That is correct.

Mr. COHN. And you submitted your resignation on Monday of this week, is that right?

Mrs. LEVINE. That is right.

Mr. COHN. Are you at this time a member of the Communist Party?

Mrs. LEVINE. I decline to answer that on the same grounds, the fourth and fifth amendment. I decline to answer on the grounds of the fourth and fifth amendment.

Mr. COHN. By the way, when did you go to work for the Federal Telecommunications Laboratory?

Mrs. LEVINE. Sometime in July 1943.

Mr. COHN. And you worked there steadily from July 1943 until this week; is that right?

Mrs. LEVINE. That is right.

Mr. COHN. During that period of time, did you engage in a conspiracy to commit espionage with a man named Harry Hyman?

Mrs. LEVINE. I decline to answer on the grounds of the fourth and fifth amendments.

Mr. COHN. Did you participate in underground meetings of the Communist Party with Harry Hyman at his home?

Mrs. LEVINE. I decline to answer on the grounds of the fourth and fifth amendments.

Mr. COHN. On the date that you were granted top-secret clearance, which was March 29, 1950, were you a member of the Communist Party?

(The witness conferred with her counsel.)

Mrs. LEVINE. I decline to answer that on the grounds of the fourth and fifth amendments.

Mr. COHN. On that date, were you engaged in a conspiracy to commit espionage?

(The witness conferred with her counsel.)

Mrs. LEVINE. I decline to answer that on the grounds of the fourth and fifth amendments.

The CHAIRMAN. I can't hear you at all.

Mrs. LEVINE. I decline to answer that on the grounds of the fourth and fifth amendments.

The CHAIRMAN. May I say that we would not recognize your refusal to answer on the fourth amendment. On the fifth amendment it will be recognized only if you are refusing under the provision—the provision is to the effect that no person need be a witness against himself if he feels that his testimony might tend to incriminate him—applicable here.

Is that the section of the fifth amendment under which you are declining?

Mrs. LEVINE. That is right.

The CHAIRMAN. You are entitled to decline, then.

Mr. COHN. Will you name for us other members of the Communist conspiracy who are still working for Federal Telecommunications Laboratory?

Mrs. LEVINE. I decline to answer on the grounds of the fourth and fifth amendments.

Mr. COHN. Will you give us the names of other persons engaged with Hyman in a conspiracy to commit espionage operating out of the Federal Telecommunications Laboratory still working there?

Mrs. LEVINE. I decline on the same grounds.

Mr. COHN. Will you give us the names of other persons who attended underground meetings of the Communist Party during the last year at Hyman's home, at which you were present?

Mrs. LEVINE. I decline to answer on the grounds of the fourth and fifth amendments.

The CHAIRMAN. You were born in this country, were you not?

Mrs. LEVINE. Yes.

The CHAIRMAN. I think there is no doubt about the fact that Communists are handling top-secret material, our top-secret radar secrets. That poses a tremendous threat to the lives of a vast number of people in this country. It poses a threat to our civilization.

There is no question about that, because if the Communists have all

of our secrets, and then they have their own developments also, it will not be too long until they will be ahead of us in their defense preparations. It is difficult for me to understand, almost impossible to understand, why a person who was born in this country, who has lived here all of her life, can take part in this Communist conspiracy.

You could do a great service for your country, of course a great disservice to the Communist Party, if you would consent to go to the FBI and give them all the information you have about any meetings you have attended in Hyman's home, any Communist Party meetings you attended, everything you know. You have been given the highest honor this Nation can give anyone. You have had access to top-secret material. There are very few Congressmen or Senators who have that privilege.

Would you not be willing now to go to the Bureau, the FBI, and tell them everything you know?

(The witness conferred with her counsel.)

The CHAIRMAN. The date you joined the party, why you joined, who got you to join, the meetings you attended, everything. Would you be willing to do that?

(The witness conferred with her counsel.)

Mrs. LEVINE. When the situation arises, I will be ready to meet it.

The CHAIRMAN. Pardon?

Mrs. LEVINE. When that situation arises, I will be ready to meet it.

The CHAIRMAN. The situation is here today. If you are willing to do that, I will call in some FBI agents this afternoon and have them sit down and talk to you, talk to you in private. You see, you have a lot of information which would be of value to this Nation.

You can either break with the party now and give that information or you can continue on. Will you be willing, if I call in two FBI agents, in strict privacy, to give them all the information you have? It will just take us 20 minutes to do that. We can have them here in 20 minutes.

(The witness conferred with her counsel.)

The CHAIRMAN. If you would rather discuss that with counsel, we will be glad to see you back in chambers later on. Would you rather discuss that, Mr. Counsel?

Mrs. LEVINE. I am discussing with him now.

(The witness conferred with counsel.)

The CHAIRMAN. We will give you time. Let me suggest something.

I know nothing about you, Mr. Attorney. Let me suggest that you go back in the back room and talk this over with this woman. We know, you see, that she has been a member of the Communist Party. We know of her activities. There is no reason why she shouldn't give the wealth of information which she has about the Communist Party. She has a great amount of it.

If she would do that it would be a great service. I don't know the extent to which she is under the thumb of the party at this time. I don't know what, if any, connection you have with the Communist Party.

Mr. FISH. You can ask me any question. I have never been. I am a lawyer and proud of being a lawyer. I have never been a member of the Communist Party and never will be.

The CHAIRMAN. You take this young lady back into the back room. I think both of you could do a great service.

Mr. FISH. I have a client to represent.

The CHAIRMAN. I know you have. I know you have a client to represent.

Mr. FISH. I have a duty to a court and to a client.

The CHAIRMAN. You also have a country.

Mr. FISH. Right. And in the proper place, Senator, I would be delighted, because I as an American—

The CHAIRMAN. I am not telling you what to do. I know a lawyer's duty to his client is high.

Mr. FISH. Right; and I couldn't be remiss in that duty.

The CHAIRMAN. I know that. You should go back and talk to her, though.

Mr. FISH. Thank you.

Mr. COHN. Mr. Chairman, we want to note for the record at this time that there are now 19 witnesses who have invoked the fifth amendment in the course of open hearings in the last 2 or 3 weeks in this investigation. We should also like to note particularly for the record the testimony of this last witness who, when called before this committee during the last week, was currently employed at a laboratory doing highly classified work for the Signal Corps and other Government agencies, and who, within the last week when called before this committee, currently had the highest clearance within the power of the authorities of this country to confer, a clearance of top secret—higher, I believe, than any witness before this committee has ever had—and that this witness, with this top secret clearance and currently employed, working on highly classified Government matter, invoked a fifth amendment before this committee on Communist Party membership and on the question of conspiracy to commit espionage.

I think that testimony is highly significant.

The CHAIRMAN. I may say, Mr. Cohn, that I agree with you heartily. I think where you have a person currently handling top secret material, who is a member of the Communist Party, who invokes the fifth amendment as to conspiracy to commit espionage, it gives a picture dangerous, I believe, beyond words.

I think the testimony was perhaps doubly significant in view of the fact that she was selective in her refusal. She said she herself had not committed espionage, but denied whether or not she was part of a conspiracy, a conspiracy to commit espionage, and refused to tell whether or not she has attended meetings in a home of a man who has been named as an espionage agent and also a leading Communist.

I think, Roy, we should make it very clear at this time that there is some confusion in the minds of some of our friends of the press this morning when we referred to the number of fifth amendment cases. Some members of the press, I understand, took that to mean that we were pressing contempt charges against all those who have taken the fifth amendment. That is not true. If a person properly invokes the fifth amendment, he is entitled to do so.

The contempt cases involve those who had waived the fifth amendment or who improperly invoked it. So the figure of 19 that Mr. Cohn had just mentioned is significant only in that it indicates the number

of Communists who have been before the committee and not the number who will be cited for contempt.

At some future time we will try and give you the number who will be cited for contempt. At this time I do not have that figure at hand. However, I want to make it clear that we will recommend a contempt citation for each and every Communist who appears before this committee and who is in contempt. I think that in that way we may be able to remove some of them from circulation. It has been proven in the past that it is difficult, as I said so often, beyond words for the Justice Department to prove espionage in a court of law beyond a reasonable doubt even though the testimony is such that it will convince any person of average intelligence that they are guilty of espionage.

Alger Hiss, as I said before, was not convicted of espionage although he was clearly guilty of it. Remington was not convicted of espionage. They were both convicted and will serve time in jail because of perjury.

I think that the members of the Communist Party have unknowingly served the American people to some extent by coming in here before this committee and inviting jail terms. A sizable number of course, I hope, will be indicted and will be removed from a position where they can do damage to this Nation. I merely mention that figure and I hope that 19 has nothing to do with the citations.

We will go into executive session now. For the benefit of the members of the press, there will be no press conference or anything after the executive session. We will run rather late. We have a great number of witnesses to hear. If I may, I will have to ask now that the room be cleared so that we can go into executive session.

The public session will resume at 10:30 tomorrow morning.

May I say, for the benefit of the press and any of the audience interested, the attorney wants several days to discuss with his client the recommendation which I made to her.

(Whereupon, at 4:15 p. m., the committee recessed until the following day, Thursday, December 17, 1953, at 10:30 a. m.)

APPENDIX

EXHIBITS

No. 16

DEC 2 -52

3506

NO 2

8615

19

4158

4129

No. 17

DECEMBER 16, 1953.

File

Chester E. Johansen

Ruth Levine, Technical Clerk "A"

Ruth Levine, as an employee of Federal Telecommunication Laboratories, a division of International Telephone & Telegraph Corp., was classified as a technical clerk "A." The formal duties prescribed for the classification appear in exhibit A attached.

Further clarification of her duties is made in exhibit B attached.

For the past 2 years, Ruth Levine has been primarily engaged in work relating to unclassified government contracts and commercial equipment. However, for a short period her work involved the preparation of parts nomenclature and the transmittal of technical data dealing with IFF equipment, which was classified as secret, from our engineering department to the technical publications department and followed up on the return of the same information.

Ruth Levine was cleared for top secret work by the Air Materiel Command on March 29, 1950.

EXHIBIT A

FEDERAL TELECOMMUNICATION LABORATORIES, INC.

Clerical-Drafting
Bargaining Unit
Job Description

Date: 4-3-47

Code: 5041

Job title: *Technical Clerk "A"*

SCOPE OF DUTIES

Perform diversified and specialized duties requiring a technical knowledge of the work of the company. Work requires the exercise of independent judgment and discretion under general instruction.

Do research and compile and circulate reports and technical data on specifications, equipment, components, materials, etc.

Compile data on products, equipments, materials and new uses for existing materials and furnish information to interested parties.

On request do research on specialized and technical subjects.

Secure reference material from inside and outside sources.

Furnish information on the substitution of materials, components, parts, finishes, etc., as requested, or

Responsible for the printing and issuing of instruction books and technical publications.

Responsible for the final editing of material for conformance to specifications, suitability for reproduction, completeness and correctness.

Make recommendations for the purchase of necessary reference data.

May be required to plan and direct the work of clerical personnel of lower classification.

Set up and maintain necessary record and file systems for the operation of the department.

EXHIBIT B

1. Prepared spare parts provisioning lists from Government specifications and engineering drawings. In this connection, prepared descriptions of parts and major components for assignment of nomenclature by the Government.

2. From information supplied by engineers, prepared engineering change notices and engineering release notices for equipment in the process of manufacture. In this connection, maintained adequate records to facilitate the preparation of reports pertaining to contract completion schedules.

3. Performed editing duties of minor complexity (grammar, punctuation, and general clarity) on brochures used for commercial sale of equipment.

4. Handled interdepartmental correspondence dealing with routine clerical matters.

5. Compiled necessary information used in technical publications prepared by subcontractors.

6. Arranged for necessary photographs and reproduction of material for instruction books, collates and transmits such material to the manufacturing division.

7. May direct the work of other clerks in the performance of related work.

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